













**Vol. III—No. 3.**



# **Assembly Proceedings**

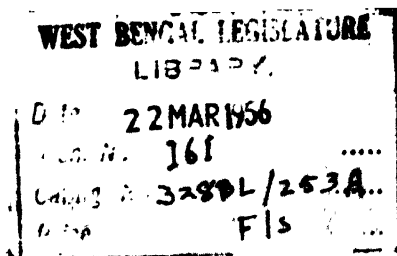
## **Official Report**

### **West Bengal Legislative Assembly**

**Third Session (February-April), 1951**

*(From 8th February to 19th April, 1951)*

**The 29th, 30th March and 2nd, 3rd, 5th, 6th, 10th,  
11th, 12th, 17th, 18th and 19th April, 1951**



Superintendent, Government Printing  
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1952

## **GOVERNMENT OF WEST BENGAL.**

### **GOVERNOR.**

**His Excellency DR. KAILAS NATH KATJU.**

### **MEMBERS OF THE COUNCIL OF MINISTERS.**

**The Hon'ble DR. BIDHAN CHANDRA ROY, Chief Minister, Leader of the House and Minister-in-charge of the Home Department (excluding National Defence Volunteer Force) and the Departments of Medical and Public Health, and Refugee Rehabilitation.**

**The Hon'ble NALINI RANJAN SARKER, Minister-in-charge of the Departments of Finance, Commerce and Industries (including Cinchona).**

**The Hon'ble Rai HARENDRA NATH CHAUDHURI, Minister-in-charge of the Education Department.**

**The Hon'ble JADABENDRA NATH PANJA, Minister-in-charge of the Local Self-Government Department.**

**The Hon'ble PRAFULLA CHANDRA SEN, Minister-in-charge of the Departments of Food and Agriculture and Veterinary.**

**The Hon'ble HEM CHANDRA NASIKAR, Minister-in-charge of the Departments of Forests (excluding Cinchona) and Fisheries.**

**The Hon'ble BIMAL CHANDRA SINHA, Minister-in-charge of the Departments of Works and Buildings and Land and Land Revenue.**

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**The Hon'ble NIKUNJA BEHARY MAITY, Minister-in-charge of the Department of Supplies.**

**The Hon'ble NIHARENDU DUTT-MAJUMDAR, Minister-in-charge of the Judicial and Legislative Departments.**

**The Hon'ble KALIPADA MOOKERJEE, Minister-in-charge of the Labour Department.**

**The Hon'ble SYAMA PRASAD BARMAN, Minister-in-charge of the Excise Department.**

**The Hon'ble DR. RAFIUDDIN AHMED, Minister-in-charge of the Department of Co-operation, Credit, Relief and Rehabilitation.**

# WEST BENGAL LEGISLATIVE ASSEMBLY

## PRINCIPAL OFFICERS.

### SPEAKER.

The Hon'ble ISWAR DAS JAIAN.

### DEPUTY SPEAKER.

Sj. ASHUTOSH MALLICK.

### SECRETARY.

Sj. AJITA RANJAN MUKHERJEA, M.Sc., B.L.

### SPECIAL OFFICER.

Sj. CHARU CHANDRA CHOWDHURI, B.L., ADVOCATE.

### REGISTRAR.

JANAB RAFIQUK RAHMAN, M.A., B.L.

## ALPHABETICAL LIST OF MEMBERS.

### A

Abdul Wahid Sarkar, Janab. [Hooghly.]  
Abdulla, Janab S. M. [24-Parganas Municipal.]  
Abdur Rahman Siddiqi, Janab. [Muslim Chamber of Commerce.]  
Abdus Shokur, Janab. [24-Parganas, Central.]  
(a) Abul Hashem, Janab. [Burdwan.]

### B

Badrudduja, Janab Syed. [Jangipur.]  
Bandyopadhyay, Sj. Pramatha Nath. [Midnapore South-West.]  
Banerjee, Sj. Sibnath. [Howrah (Registered Factories).]  
§ Banerjee, Sj. Susil Kumar. [Howrah.]  
Banerji, Dr. Suresh Chandra. [Calcutta and Suburbs (Registered Factories).]

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*Note* :—Sj. stands for Srijut, and Sja. stands for Srijukta.

(a) Resigned on 19th April, 1961,

§ Chief Government Whip.

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### **GOVERNOR.**

**His Excellency DR. KAILAS NATH KATJU.**

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**The Hon'ble BIMAL CHANDRA SINHA, Minister-in-charge of the Departments of Works and Buildings and Land and Land Revenue.**

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**The Hon'ble SYAMA PRASAD BARMAN, Minister-in-charge of the Excise Department.**

**The Hon'ble DR. RAFIUDDIN AHMED, Minister-in-charge of the Department of Co-operation, Credit, Relief and Rehabilitation.**

# ALPHABETICAL LIST OF MEMBERS.

iii

## K

- Kazem Ali Mirza,** Shahibzada Kawan Jah Saiyid. [Murshidabad South-West.]  
**Khuda Bukhsh,** Janab Md. [Berhampore.]

## M

- Mahammad Kased Ali,** Janab. [24-Parganas North-East.]  
**Mahammad Syed Mia,** Janab. [Malda.]  
**Mahanty,** Sj. Charu Chandra. [Midnapore Central.]  
**Mahtab,** Sj. Uday Chand, Maharajadhiraj Bahadur of Burdwan. [Burdwan Landholders.]  
**Maiti,** The Hon'ble \* Nikunja Behari. [Burdwan Division North Municipal.]  
**\*Majhi,** Sj. Nishapati. [Birbhum.]  
**Majumdar,** The Hon'ble Bhupati. [Hooghly-cum-Howrah Municipal.]  
**Mal,** Sj. Iswar Chandra. [Midnapore South-East.]  
**+Mallick,** Sj. Ashutosh. [Bankura West.]  
**Mandal,** Sj. Annadaprasad [Burdwan North-West.]  
**\*Mandal,** Sj. Bankubehari. [Burdwan North-West.]  
**\*Mandal,** Sj. \*Krishna Prasad [Midnapore Central.]  
**Mandal,** Sj. Umesh Chandra. [Cooch Behar.]  
**Misra,** Sj. Sovendra Mohan [West Dinajpur-cum-Malda.]  
**Mohammad Rafique,** Shaikh [Calcutta North.]  
**Molla Mohammad Abdul Halim,** Janab. [Nadia.]  
**Mookerjee,** The Hon'ble Kalipada. [Calcutta East.]  
**Mudassar Hossain,** Janab. [Birbhum.]  
**Muhammad Idris,** Janab. [Howrah.]  
**Muhammad Qumruddin,** Janab. [Barrackpore Municipal.]  
**Muhammad Siddique,** Dr. Syed. [Bankura.]  
**Mukherji,** Sj. Dharendra Narayan. [Hooghly North-East.]  
**Murarka,** Sj. Basantlal. [Calcutta Central.]  
**Musharruff Hossain,** Janab. [Jalpaiguri-cum-Darjeeling.]

## N

- Nandy,** Maharaja Sris Chandra. [Presidency Landholders.]  
**\*Naskar,** Sj. Ardhendu Sekhar. [24-Parganas North-West.]  
**Naskar,** The Hon'ble Hem Chandra. [24-Parganas South-East.]

## P

- Panja,** The Hon'ble Jadabendra Nath. [Burdwan Central.]  
**Pentony,** Mr L. R. [Anglo-Indian.]

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\*Parliamentary Secretary.

†Deputy Speaker.



Platel, Mr. R. E. [Anglo-Indian.]  
 Poddar, Sj. Anandilal. [Marwari Association.]  
 \*Pramānik, Sj. Rajani Kanta. [Midnapore East.]

**R**

Rafuiddin Ahmed, The Hon'ble Dr. [Hooghly-cum-Howrah Municipal.]  
 Rai, Sj. Sheo Kumar. [Darjeeling.]  
 Ricketts, Mrs. E. M. [Anglo-Indian.]  
 Roy, The Hon'ble Dr. Bidhan Chandra. [University.]  
 Roy, Sj. Jaineswar. [Jalpaiguri-cum-Siliguri.]  
 Roy Singh Sarker, Sj. Satish Chandra. [Cooch Behar.]

**S**

Sarker, The Hon'ble Nalini Ranjan. [Indian Chamber of Commerce.]  
 Sen, Sj. Debendra Nath. [Colliery (Coal Mines).]  
 Sen, The Hon'ble Prafulla Chandra. [Hooghly South-West.]  
 Serajuddin Ahammad, Janab. [Midnapore.]  
 \*Shamsul Huq, Janab. [Calcutta South.]  
 Sinha, The Hon'ble Bimal Chandra. [24-Parganas South-East.]

**W**

Walker, Mr. J. R. [Bengal Chamber of Commerce.]  
 Wilks, Mr. G. C. D. [Anglo-Indian.]

**Z**

Zaman, Janab A. M. A. [Hooghly-cum-Serampore (Registered Factories).]

# THE WEST BENGAL LEGISLATIVE ASSEMBLY PROCEEDINGS

Official Report of the Third Session.

Volume III—No. 3.

## Proceedings of the West Bengal Legislative Assembly assembled under the provisions of the Constitution of India

THE ASSEMBLY met in the Assembly House, Calcutta, on Thursday, the 29th March, 1951, at 3-30 p.m.

### Present:

Mr. Speaker (the Hon'ble ISWAR DAS JALAN) in the Chair, 11 Hon'ble Ministers and 60 members.

### Oath.

**MR. SPEAKER:** Any new member who has not yet taken the oath of allegiance will please do so now.

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** The new member has come and he is being brought into the House.

### STARRED QUESTIONS

(to which oral answers were given)

**MR. SPEAKER:** Let us take up questions in the meantime.

#### Proposed construction of a bridge over the Darakeswar, Bankura

\*65. **8]. KANAI LAL DE:** Will the Hon'ble Minister in charge of the Works and Buildings Department be pleased to state—

- (ক) বাকুড়া জেলার দারাকেশ্বর নদের উপর একটি সেতুনিৰ্মাণপরিকল্পনা মঞ্জুর হইয়াছিল কি না এবং ঐ সেতুর জন্য টেন্ডার আদান করা হইয়াছিল কি না;
- (খ) হইয়া থাকিলে, সেতুনিৰ্মাণকার্য বন্ধ রাখা হইয়াছে কেন;
- (গ) ইহা কি সত্য যে, উক্ত সেতুনিৰ্মাণ জন্য কতক উপকরণ বাকুড়ার পাঠান হইয়াছিল এবং সেতুনিৰ্মাণ বন্ধ রাখিয়া ঐ সকল উপকরণের অধিকাংশই অন্যত্র সরাইয়া গিয়া হইয়াছে এবং অন্য কাণ্ডে ব্যবহার করা হইতেছে;
- (ঘ) ঐ সকল মালপত্র বাকুড়া লটরা ঘাটেতে এবং তথা হইতে সরাইয়া আনিতে কত টাকা ব্যয় হইয়াছে;
- (ঙ) যদি (গ) প্রশ্নের উত্তর ঠা হয়, এইরূপ করিবার কারণ কি;
- (চ) মন্ত্রীমহাশয় কি অবগত আছেন যে, দারাকেশ্বর নদের উপর সেতু না থাকায় বাকুড়ার দক্ষিণ অঞ্চলের ছয়টি থানার লোকের বর্ষাকালে বাকুড়া নদর ও রেলওয়ের সহিত সংস্রব ছিন্ন হইয়া যায় এবং জনসাধারণের অন্ত্রবিধা ঘটে;

(ছ) ঝারকেশ্বর নদের উপর সেতু নির্মিত না হইলে বাকুড়া-সিমলাপাল, বাকুড়া-রাণিবীথ প্রভৃতি রাস্তার উন্নতিসাধনের কোন সার্থকতা থাকে না ইহা কি মহানীমন্ত্রণ উপলব্ধি করেন; এবং

(জ) এই জেলার লোকের অন্ত্রবিধার বিষয় বিবেচনা করিয়া ঝারকেশ্বর নদের উপর সেতু-নির্মাণ পুনর্বিবেচনা করিবেন কি?

**MINISTER in charge of the WORKS and BUILDINGS DEPARTMENT**  
(the Hon'ble Bimal Chandra Sinha): (ক) হ্যাঁ।

(খ) বর্তমানে রাজকোষে আর্থিক অক্ষমতা এবং রাজ্যের বিভিন্ন স্থানের প্রয়োজন বিবেচনা করিয়া এই সেতুনির্মাণকার্য আপাততঃ স্থগিত রাখা হইয়াছে।

(গ) হ্যাঁ, কিছু লৌহশলাকা ও সিমেন্ট সংগ্রহ করা হইয়াছিল। কিন্তু, ঝারকেশ্বর সেতু নির্মাণ আপাততঃ স্থগিত রাখায় সংগৃহীত লৌহশলাকার ক্রয়দংশ বাকুড়া জেলার অন্যান্য প্রয়োজনীয় কার্যে ব্যবহার হইয়াছে ও হইতেছে এবং অন্যান্য প্রয়োজনীয় কার্যে জেলার বাহিরেও সামান্য পরিমাণে লইয়া যাওয়া হইয়াছে। সিমেন্ট বাকুড়া জেলার বাহিরে লইয়া যাওয়া হয় নাই। উহা জেলারই অন্যান্য প্রয়োজনীয় কার্যে ব্যবহৃত হইয়াছে।

(ঘ) বাকুড়া লটয়া বাইতে রেলভাড়া বাস ২,৫০০/- খরচ হইয়াছে। মালপত্রের যে অংশ বাকুড়া জেলা হইতে সরাইয়া আনা হইয়াছে তাহাতে আনুমানিক ৫০০/- ব্যয় হইয়াছে।

(ঙ) (ঘ) প্রশ্নের উত্তর দেখুন। বাকুড়া জেলার বাহিরে যে লৌহশলাকা লইয়া বাওয়া হইয়াছে, তাহা লৌহের অনটনহেতু অধিকতর প্রয়োজনীয় কার্যে ব্যবহারের জন্য অপসারণ করা হইয়াছে।

(চ) ও (ছ) ঝারকেশ্বর নদের উপর সেতু না থাকিলেও দক্ষিণাঞ্চলবাসীদের বাকুড়া সহর ও রেলপথের সহিত সংযোগ ছিল হয় না। কারণ, নদের দক্ষিণে ডেথিয়াসোল রেল স্টেশন এবং ঐ দক্ষিণেই বাকুড়া-মুর্শনিগর রাস্তা প্রস্তুত হইয়া গিয়াছে এবং সেই পথ দিয়া গাড়ীচলাচলের অসুবিধা নাই। এই রাস্তা বাকুড়া-রাণিবীথ, বাকুড়া-তালডাঙ্গা-সিমলাপাল এবং বাকুড়া-মেদিনীপুর রাস্তার সহিত সংযুক্ত থাকায় ডেথিয়াসোল রেল স্টেশন হইয়া সমস্ত যাতায়াত করা যায়।

(জ) ঝারকেশ্বর নদের উপর কোন সেতু না থাকিলেও বর্ষাকালে নৌকায় খেয়া পারাপারের ব্যবস্থা থাকে। বৎসরের অন্য সময়ে রাণীগঞ্জ-মেদিনীপুর রাস্তায় নদরক্ষের যে অংশ শুকাইয়া যায় তাহার উপর দিয়া একটি সাময়িক পথ তৈরী করা হয়। যে অংশে জল থাকে তাহার উপর একটি কাঠের পুল জড়িয়া দিয়া ঝারকেশ্বর নদ পারাপারের ব্যবস্থা করা হইয়াছে। আর্থিক অসুবিধা হওয়ায় এই সেতুনির্মাণের বিষয় পুনর্বিবেচনা করা হইবে।

**8J. KANAI LAL DE :** মাননীয় মহানীমন্ত্রণ বলবেন কি কতদিন পরে তাঁরা সেই সেতু নির্মাণ কার্য গ্রহণ করবেন?

**The Hon'ble BIMAL CHANDRA SINHA :** এই প্রশ্নের বিস্তারিত আলোচনা Budget discussion-এর সময় হয়েছে, এ বিষয়ে এখন কোন উত্তর দেওয়া সম্ভব নয়।

**8J. KANAI LAL DE :** বাজেট discussion-এর সময় কোন সময়ের উল্লেখ করেন নি, এখন কি বিবেচনা করে বলবেন যে আগামী বৎসর এই কাজ আঁতড়া করা সম্ভব হবে কি না?

**The Hon'ble BIMAL CHANDRA SINHA :** আগামী বৎসরের বাজেট এই বৎসর পাশ করে দিয়েছেন তার মধ্যে এইরূপ পরিকল্পনার কোন বশোভূত করা সম্ভব হয়নি। আর্থিক অবস্থার উন্নতি হ'লে তখন দেখা যাবে।

**Sj. KANAI LAL DE :** যানবাহন যন্ত্রাংশের অনুগ্রহ করে জানাবেন কি, কি কি উপকরণ এই সেতু নির্মাণের জন্য নিয়ে যাওয়া হয়েছিল এবং এমন কি কারণ উপস্থিত হয়েছিল যার জন্য এই সকল যন্ত্রাংশগুলি অন্যত্র সরাইয়া লওয়া হয় ?

**The Hon'ble BIMAL CHANDRA SINHA :** এই প্রশ্নের জবাব Budget আলোচনার সময় দেওয়া হয়েছে এবং House-এর সকল মেম্বর তা জানেন।

**Sj. KANAI LAL DE :** যানবাহন যন্ত্রাংশের বলবেন কি এই সেতু নির্মাণের জন্য কোন tender আহ্বান করা হয়েছিল কিনা এবং কোন্ কোন্ company tender দিয়েছিল ?

**The Hon'ble BIMAL CHANDRA SINHA :** যানবাহন যন্ত্রাংশ একটু ভাল করে প্রশ্নের জবাব পড়লেই বুঝতে পারবেন যে tender দেওয়া হয়েছিল কি না।

**Sj. KANAI LAL DE :** কোন্ কোন্ company tender দিয়েছিল ?

**The Hon'ble BIMAL CHANDRA SINHA :** সবত কোম্পানীর নাম যাত্রা tender দিয়েছিল তা আমি off-hand বলতে পারি না। তবে আমি জানি যে Hindustan Construction P. C. Chunder & Co. এবং আরও কয়েকটা কোম্পানী tender দিয়েছিল। সব বলতে হলে, আমি notice চাই।

**Sj. KANAI LAL DE :** যানবাহন যন্ত্রাংশের বলবেন কি কোন্ কোন্ company tender গ্রহণ করা হয়েছিল ?

**The Hon'ble BIMAL CHANDRA SINHA :** কোন company-রই tender গ্রহণ করা হয়নি। শুধু তাদের প্রস্তাব এসেছিল মাত্র।

**Sj. KANAI LAL DE :** যানবাহন যন্ত্রাংশের বলবেন কি এই কয়েকটি company-র tender কর্তৃপক্ষের মনোমত না হওয়ার জন্যই এই গড়িমসী করা হয়েছে ?

**The Hon'ble BIMAL CHANDRA SINHA :** এই প্রশ্নের জবাব Budget discussion এর সময় বিস্তারিতভাবে দিয়েছি। যদি একথা এই House-এর কোনও মানবীয় সদস্য না বলতেন তাহলে বলতাম একথা সম্পূর্ণ মিথ্যা।

**Sj. KANAI LAL DE :** যানবাহন যন্ত্রাংশের বলছেন যে ডেমিহাসেলের রাস্তা পুঙ্খভূত হয়ে গিয়েছে; কিন্তু যানবাহন যন্ত্রাংশের বলছেন যে বাকুড়া থেকে ডেমিহাসেল পর্যন্ত পাঁচ, সাতটি bus service রয়েছে, এবং বর্ষাকালে বাস যাত্রাঘাটের অন্তর্বিধার জন্য সেই service disconnected হয়ে যায় ?

**The Hon'ble BIMAL CHANDRA SINHA :** সে কথা আমি জানি। কিন্তু এখন বর্তমানে কিছু করার নেই—বহু জায়গায় bus service disconnected হয়ে গিয়েছে। আমি এ বিষয় বিস্তারিতভাবে বাজেট আলোচনার সময় বলেছি।

**Sj. KANAI LAL DE :** যানবাহন যন্ত্রাংশের বলবেন কি, এই সেতু নির্মাণ পরিকল্পনা করে দেখানো যে জিনিষপত্র নিয়ে গিয়েছেন—সেটা নিয়ে যাবার পূর্বে কি একবার ভাল করে বিবেচনা করেছিলেন ?

**The Hon'ble BIMAL CHANDRA SINHA :** বাজেট আলোচনার সময় এ সম্বন্ধে বিস্তারিতভাবে বলা হয়েছে। আমাদের যখন financial difficulty উপস্থিত হয় তার কিছু আগে এই পরিকল্পনা গ্রহণ করা হয়েছিল। কিন্তু গত বছর এবং এ বছরেও আমি বাজেট আলোচনার সময় বলেছি যে financial difficultyর জন্য আমাদের bridge programme করতে হয় এবং রাস্তার programme আরও লীকাল spread out করা হয়। সেই জন্য এই সমস্ত জিনিষপত্র অন্য জায়গায় সরতে হচ্ছে।

**Sj. KANAI LAL DE :** যানবাহন যন্ত্রাংশের বলছেন কি, major district road তৈরী করেছেন, কিন্তু এই সেতু নির্মাণ না হলে তার কোন উপযোগিতা থাকবে না ?

**The Hon'ble BIMAL CHANDRA SINHA :** এটা matter of opinion. আমি একথা স্বীকার করি না।

**8J. KANAI LAL DE :** মাননীয় মহীয়শায়র জানেন কি যে এই bridge না হলে major district road দিয়ে সরাসরি বাকুড়া-ডালডালদা-সিবলাপাল রাস্তার যাতায়াত হয় না ?

**The Hon'ble BIMAL CHANDRA SINHA :** এই সমস্ত bridge ভেঁদী হতে অনেক দেরী হবে, তবুও সরাসরি যাতায়াতের জন্য সাময়িক পথের ব্যবস্থা করা হইয়া থাকে।

**8J. KANAI LAL DE :** মাননীয় মহীয়শায়র বলবেন কি এই রকম কত major district road অন্য জায়গায় পড়ে আছে ?

**The Hon'ble BIMAL CHANDRA SINHA :** Krishnagar থেকে Behrampur, শাইখিয়া থেকে সিউড়ি পর্যন্ত যে রাস্তা আছে সেখানে গঙ্গার উপর bridge-এর কোন পরিকল্পনা এখনও পর্যন্ত হয়নি।

### Oath.

The following member took the oath:—

Janab Md. Kased Ali.

### STARRED QUESTIONS

(to which oral answers were given)

\*66. **8J. KANAI LAL DE :** (a) Will the Hon'ble Minister in charge of the Works and Buildings Department be pleased to state—

- (i) বাকুড়া সহরের উপকণ্ঠে ধারকেশ্বর নদের উপর পরিকল্পিত সেতুর নির্মাণকার্য আরম্ভ হইয়াছে কি না ;
- (ii) না হইলে, কাঁচ আরম্ভ না হইবার কারণ কি এবং সেতুনির্মাণ কখন আরম্ভ হইবে ; এবং
- (iii) এ বৎসর (১৯৫০-৫১) বাজেটে ঐ বাজেট ব্যয় বরাদ্দ করা হইয়াছে কি না ?

(b) মাননীয় মহীয়শায়র অনুগ্রহপূর্বক জানাইবেন কি ইচ্ছা কি সত্য যে, সেতুর আবিষ্কারী লৌহ, সিমেন্ট প্রভৃতি যে সকল উপাদান বাকুড়া সহরে আনা হইয়াছিল, উহার মধ্যে কতক লৌহ ও সিমেন্ট অন্তর সংগ্রহ করা হইতেছে ?

(c) যদি (b) প্রশ্নের উত্তর হ্যাঁ হয়, তাহা হইলে উহার কারণ কি ?

(d) সরকার 'ক' অবগত আছেন যে, উক্ত সেতু নিমিত্ত না হকুমার বাকুড়া সহরের সহিত বর্ধাকালে জেলার দক্ষিণ অঞ্চল সম্পূর্ণ বিচ্ছিন্ন হইয়া যায় এবং জনসাধারণের যাতায়াতের অত্যন্ত অসুবিধা হয় ?

**The Hon'ble BIMAL CHANDRA SINHA :** (a) (i) এবং (iii) না।

(ii) বর্তমানে রাজকোষে আর্থিক অস্বচ্ছলতা এবং রাজ্যের বিভিন্ন স্থানের প্রয়োজন নিবেচনা করিয়া এই সেতুনির্মাণকার্য আপাততঃ স্থগিত রাখা হইয়াছে। এই সেতুর নিৰ্মাণ-কাঁচ কবে আরম্ভ করা হইবে তাহা এখনও স্থির হয় নাই।

(b) হ্যাঁ, কিছু লৌহশলাকা ও সিমেন্ট সংগ্রহ করা হইয়াছিল। লৌহশলাকার ক্রয়লগ্ন বাকুড়া জেলার অন্তর্গত প্রয়োজনীয় কার্যে ব্যবহার করা হইয়াছে ও হইতেছে এবং অত্যন্ত

এয়োজনীর কার্বে বাঁকুড়া জেলার বাহিরে সামান্ত পরিমাণে লইয়া বাওরা হইয়াছে। সিনেট বাঁকুড়া জেলার বাহিরে অন্তর্ভুক্ত লইয়া বাওরা হয় নাই; উহা ঐ জেলারই অন্তর্ভুক্ত এয়োজনীর কার্বে ব্যবহৃত হইয়াছে।

(c) (a) (ii) প্রেন্সের উত্তর দেখুন। লৌহের সরবরাহ অপ্রতুল ও নিয়ন্ত্রিত। অন্তর্ভুক্ত এয়োজন হওয়ার সংগৃহীত লৌহ সরাইয়া লওয়া হইয়াছে।

(d) হারকেশ্বর নদের উপর সেতু না থাকিলেও দক্ষিণাঞ্চলবাসীদের বাঁকুড়া নগর ও রেলপথের সহিত সংযোগ ছিল চর না। বর্ষাকালে নৌকার বেয়া পারাপারের ব্যবস্থা থাকে। বৎসরের অন্ত সময়ে রাণীগঞ্জ-মেদিনীপুর রাস্তার নদীবেকের যে অংশ শুকাইয়া যায় তাহার উপর দিয়া একটি সাময়িক পথ তৈয়ারী করিয়া যে অংশে চল থাকে তাহার উপর একটি কাঠের পুল বুড়িয়া দিয়া হারকেশ্বর নদ পারাপারের ব্যবস্থা করা হইয়াছে।

### Right of franchise of graduate teachers serving in Primary Schools in Legislative Council election.

\*67. **SJ. SIBNATH BANERJEE:** (a) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether it is a fact that the West Bengal Government have recommended to the Election Commissioner of India that the graduate teachers serving in the Primary Schools will be debarred from the right of franchise in the election of some members of Legislative Council to be elected from Graduate Teachers' Constituency?

(b) If the answer to (a) is in the affirmative, will the Hon'ble Minister be pleased to state on what considerations such discrimination against a particular section of graduate teachers has been made?

(c) Does the Hon'ble Minister consider the desirability of reconsidering the point so that no injustice be done to any section of graduate teachers?

**MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Rai Harendra Nath Chaudhuri):** (a) The attention of the honourable member is drawn to sub-clauses (b) and (c) to clause (3) of Article 171 in Part VI of the Constitution of India. There is no Graduate Teachers' Constituency. Any question of recommendation by this Government in connection with that Constituency does not arise.

(b) and (c) Do not arise.

**SJ. SIBNATH BANERJEE:** Sir, may supplementary questions be postponed to a later date because I have not brought my papers with me, and I am unable to put any supplementary question just now?

**MR. SPEAKER:** That is not possible.

### Darjeeling District Regional Transport Authority

\*68. **SJ. KHAGENDRA NATH DAS GUPTA:** (a) Will the Hon'ble Minister in charge of the Home (Transport) Department be pleased to state when the Darjeeling District Regional Transport Authority was formed?

(b) Will the Hon'ble Minister be pleased to state whether it is a fact—

(i) that in the Darjeeling Regional Transport Authority no representative has been taken from the Siliguri subdivision; and

(ii) that the largest numbers of motor vehicles ply in the region of that Authority from this subdivision?

(c) If the answer to (b) be in the affirmative, will the Hon'ble Minister be pleased to state—

(i) whether the Government contemplate taking any representatives from Siliguri on that body; and

(ii) if so, what steps he proposes to take to select members from that subdivision?

**MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Dr. Bidhan Chandra Roy):** (a) The present Regional Transport Authority was formed in September, 1947.

(b)(i) Yes.

(ii) No.

(c)(i) Government is contemplating taking representatives from Siliguri when the Transport Authority will be reformed, as it will be very soon.

(ii) Does not arise.

#### **Increased bus fare between Chinsura Court and Chinsura Railway Station**

**\*69. Janab SERAJUDDIN AHAMMAD:** (a) Will the Hon'ble Minister in charge of the Home (Transport) Department be pleased to state if it is fact that the bus fare of Route No. 1 (Chinsura Court to Chinsura Station) has been increased?

(b) If the answer to (a) is in the affirmative, will the Hon'ble Minister be pleased to state—

(i) what is the reason for such enhancement;

(ii) whether the District Authorities consulted the local Railway Passengers' Association before approving the enhanced fares; and

(iii) whether such enhancement is warranted by any rules?

(c) Will the Hon'ble Minister be pleased to state if it is a fact—

(i) that the distance between the Kamarpara Bazar bus stand and the Chinsura Station is less than two miles;

(ii) that the fare was six pice during war time and up to the date of decontrol of petrol in 1950 and it has been increased to two annas after decontrol; and

(iii) if so, whether there is any bus route in Calcutta and in the Industrial area around Calcutta where two annas is charged for a distance of less than two miles?

(d) Will the Hon'ble Minister consider the desirability of reducing the bus fare to anna one between Chinsura Station and Kamarpara Bazar bus stand and six pice between the station and the Hooghly Court bus stand?

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** (a) Yes.

(b)(i) The service being on short distance feeder route, it was found justified to allow the enhancement in the rate of fare on account of rise in prices of motor accessories, spare parts, tyre, tube and also increased cost of living.

(ii) Representatives of the Railway Passengers' Associations were consulted.

(iii) The Regional Transport Authorities are competent to fix fare for Stage Carriages in their respective jurisdictions. Government may only, under section 43(i)(ii) of the Motor Vehicles Act, 1939, fix the maximum and minimum fare applicable to the whole of State, or a particular area, or a route; if considered necessary.

• (c)(i) The distance between Chinsura Railway Station to Chinsura Court is  $2\frac{1}{4}$  miles. But as the buses run via Kamarpara Bazar they have to encircle a distance of  $\frac{1}{4}$  mile more. Thus the total distance from Chinsura Court to Chinsura Station via Kamarpara Bazar is about  $2\frac{1}{2}$  miles.

(u) Yes, that is so.

(ur) No.

(d) After the order of increase was given effect to, petitions of objection have been received. A Sub-Committee of the Regional Transport Authority, Hooghly, has already been formed to consider the matter.

**Police search of Bansidhar Baijnath Oil Mill at 32/4, Sahitya Parishad Street, Calcutta**

**\*70. S<sup>r</sup>. CHARU CHANDRA BHANDARI:** Will the Hon'ble Minister in charge of the Home Department be pleased to state—

- (a) whether the Bansidhar Baijnath Oil Mill at 32/4, Sahitya Parishad Street, Calcutta, was searched by the police about three months ago;
- (b) whether any properties or documents were seized by the police during the search;
- (c) whether any bags containing "Taramira" seeds were found lying in the godown of the mill during the search;
- (d) whether the godown of the mill was kept under police guard for some days after the search of the mill;
- (e) if so, the reasons for which the godown was so kept under police guard;
- (f) whether the residential house of the proprietor of the mill at 174, Chittaranjan Avenue, was searched by the police in connection with the police search of the mill;
- (g) whether any police investigation was made regarding any matter in connection with the search; and
- (h) if so, the result thereof?

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** (a) Police officers of the Anti-Corruption Branch conducted the search on 30th August, 1950.

(b) Both properties and documents were seized.

(c) Bags containing seeds other than mustard were found. It cannot be said if these were "Taramira" seeds.

(d) The bags were removed to a small adjacent godown made available by the mill authorities. This godown was kept under police guard.

(e) For safe custody of the bags pending prosecution by the appropriate authorities.



(f) No. The head office of the firm at 174, Chittaranjan Avenue, on the ground floor was searched.

(g) Yes.

(h) Prosecution was recommended to the Calcutta Corporation.

**8j. CHARU CHANDRA BHANDARI:** মানবীর স্বীকৃতি বলবেন কি তিনি যে এই প্রশ্নের (c)র উত্তরে বলেছেন it cannot be said if these were "Taramira" seeds তবে এই বীজগুলি কি নিরাসকাঁচা বীজ বা জাফিয়ন ?

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** এই seedsগুলির ব্যাপার হচ্ছে এই যে Calcutta Corporationএর examiner যিনি ছিলেন তিনিই বলতে পারেন নাই অন্যগুলি কি। তবে সেগুলি mustard বীজ নয়।

**8j. CHARU CHANDRA BHANDARI:** মানবীর স্বীকৃতি বলবেন কি এই যে (h)এর উত্তরে বলেছেন prosecution was recommended to the Calcutta Corporation—তাদের কি case করার power নাই এই seedটা নিয়ে ? তবে Calcutta Corporationএর কাছে কেন এই prosecutionটা recommended করা হয়েছিল ? (The Hon'ble BHUPATI MAJUMDAR : সরিয়ার ভূত গাভানর জন্য।)

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** Calcutta Corporationএরই power আছে এই prosecutionএর।

**8j. CHARU CHANDRA BHANDARI:** কি specific অপরাধের জন্য পাঠান হয়েছিল ?

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** 393 bags of seeds other than mustard kept for grinding as also one tank containing 350 maunds of mustard oil suspected to be adulterated were detected and seized. The Chief Analyst of the Calcutta Corporation declared the seeds to be other than mustard but failed to identify them as "Taramira" or any other seed. The facts were brought to the notice of the Calcutta Corporation. It is understood that as a result of prosecution in one case, that is to say, for possession of various kinds of seeds for grinding, the proprietors have been fined. No case appears to have been started yet for adulteration of the oil. Irregularities committed under the Factories Act were also brought to the notice of the Commerce Department.

**Dr. P. C. CHOSH:** Will the Hon'ble Minister please try to ascertain what seeds are these? He could send them to an expert botanist and find out whether they are argemone or not and then order prosecution.

**The Hon'ble NIHARENDU DUTT-MAJUMDAR:** That is a request for action.

**Mr. SPEAKER:** You should put it in the proper form.

**Dr. P. C. CHOSH:** Will the Hon'ble Minister be pleased to consider the desirability of sending these seeds to some expert and find out what these seeds are?

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** I have asked the Corporation to take up the question with the Botanist, etc., because I feel that it is within their purview at the present moment.

**Dr. P. C. CHOSH:** Has not the Government any authority to directly take the matter up?

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** At the present moment, no.

**8j. SIBNATH BANERJEE:** Prosecutionটা যে recommend করা হয়েছিল সে prosecutionটা করা হয়েছে কি ?

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** আমরা বহু অর্ডেব পোনেন অর্ডেব পোনেন না। দু'টি বলেছি একটা case fine হয়েছে; একটা recommend করা হয়েছে আর 3rd case Commerce Department-এ নেওয়া হয়েছে। The Commerce Department has taken it up because they have contravened the Factories Act.

**8j. HARIPADA CHATTERJEE:** মাননীয় মহীশালয় কি এটা মনে করেন না এটা যে কি বীজ এটা বের করতে না পারার জন্য Government-এর অকৃতকার্যতা প্রকাশ পেয়েছে।

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** আমরা হরিপদাবাবুর সত্য সত্যই নই, আমরা specialist-এর কাছে, examiner-এর কাছে পাঠাই। তাঁরা যদি বলতে না পারেন তার জন্য আমরা দায়ী নই।

**8j. HARIPADA CHATTERJEE:** যদি তাঁরা না পারেন তাহলে অন্য expert আছেন তাদের কাছেও দিতে পারতেন নয়তো আমাদের দিলেও আমরা দেখতে পারতাম ?

(No reply.)

**8j. SIBNATH BANERJEE:** মহীশালয় এটা না হয় হরিপদাবাবুর কাছেই পাঠিয়ে দিন।

#### Fixation of price of paddy for assessment of agricultural income-tax

**\*71. JANAḤ SERAJUDDIN AHAMMAD:** Will the Hon'ble Minister in charge of the Finance Department be pleased to state—

- (a) the price of paddy per maund fixed by the Agricultural Income-tax Department for the purpose of assessment;
- (b) whether the price of paddy per maund fixed for the assessment purpose is the same as the controlled price of paddy per maund; and
- (c) if not, whether Government will consider the desirability of fixing the controlled price of paddy as the basis for assessment of agricultural income-tax?

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** (a) No such price has been fixed by the Department. Assessment is made on the basis of actual or current prices.

(b) and (c) Do not arise.

#### Oriental Gas Co., Ltd.

**\*72. 8j. CHARU CHANDRA BHANDARI:** Will the Hon'ble Minister in charge of the Industries Department be pleased to state—

- (a) whether the Government have received or are aware of any complaint regarding the supply of gas in Calcutta and its suburbs by the Oriental Gas Co., Ltd.;
- (b) whether the quality and pressure of gas have deteriorated recently; and
- (c) if so, whether Government consider the desirability of nationalising the manufacture and supply of gas in the State?

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** (a) Yes.

(b) Complaints to that effect have been received which are under investigation.

(c) No. Government do not consider that it is expedient to nationalise the manufacture and supply of gas in the State just at present.

**Sj. CHARU CHANDRA BHANDARI:** মাননীয় মহী মহাপয় বলবেন কি আমি তাঁর (b) উত্তর সম্পর্কে প্রশ্ন করছি কতদিন চল এই investigation করা হচ্ছে এবং কোন্ officer এই investigation করছেন ?

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** একটি কমিটি Government of India-র Department of Industries থেকে investigation করছেন এবং তাঁরা ঋনিকটা report-এর বতন পাঠিয়েছেন। পুরা report পাঠান নাই।

**Sj. CHARU CHANDRA BHANDARI:** কি report পাঠিয়েছেন তাঁরা ?

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** তাঁরা এখনও পুরা report পাঠান নাই—এখনও investigation করছেন।

**Sj. CHARU CHANDRA BHANDARI:** মাননীয় মহীমহাপয় জানাবেন কি—Oriental Gas Co. যে সমস্ত অনায়াস করছেন তার প্রতিরোধের উপায় কি ?

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** অনায়াস কি করছে জানি না কিন্তু প্রশ্ন হচ্ছে তাদের সম্বন্ধে কি করা যায় সেইটে নিয়ে। Corporationও তাদের against-এ complain করেছে। সুতরাং এই companyটাকে নিয়ে অন্য রকম shape দেওয়া যায় কিনা Government of India-র সঙ্গে সে সম্পর্কে বিচার হচ্ছে।

**Sri J. C. GUPTA:** Without taking the step of nationalising, is the Hon'ble Minister considering the desirability of getting the quality and pressure improved in the near future?

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** Yes, it has been communicated to them and they tell me that they are taking steps, but further than that I put a proposal to the Government of India whether we cannot arrange for the supply of gas or manufacture of gas here as well as arrange for the supply of hard coke that is necessary for the Sindri Factory and in that connection a lot of investigation has been made. The Government of India has not made up its mind yet. At the same time, there is another proposal which was given by me to the Calcutta Corporation, namely, of utilising the sludge gas for the purpose of strengthening the ordinary coal gas for lighting and heating purposes and also finding out one method of dealing with the sewage of Calcutta. That matter is also being investigated and one German professor Dr. Weingarten, who belongs to the Higher Institute of Technology at Kharagpur, is now engaged in investigating the whole problem.

**Sj. BIMAL COMAR CHOSE:** Will the Hon'ble Chief Minister be pleased to state if the enquiry is being undertaken only by the Central Government or the Provincial Government is also doing something?

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** It is my Government that approached the Central Government and they have given us their help and expert advice.

**Sj. BIMAL COMAR CHOSE:** Will the Hon'ble Minister be pleased to state whether this company is not only providing gas at low pressure but is also unable to provide gas, particularly domestic and also industrial gas to consumers who want them?

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** I have not received such complaints, but possibly it is true.

**SJ. BIMAL COMAR CHOSE:** Will the Hon'ble Minister be pleased to state if the Government has made any enquiry as to by what procedure adequate supply of gas may be made available both for domestic and industrial purposes?

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** Sir, the procedure would be that, first of all, some of the machinery are very old, I am told, and they are old-fashioned too and, secondly, they have not employed the latest method of generation of gas—that is what I am told by these experts. Whether that is so or not requires further investigation. There is one other point that has come out of the enquiry that with regard to street lighting there has been some amount of discussion between the Corporation and the Oriental Gas Co. because the Oriental Gas Co. supplies gas and the Corporation supplies the mantle, cleanses it and so on and so forth and, therefore, I believe, 3 feet from the ground is the area of operation of the Gas Co. and the rest of the street lamp is the area of operation of the Corporation Lighting Department. I have expressed very grave doubts whether such divided responsibility would be of much value. That matter is also being investigated.

**SJ. BIMAL COMAR CHOSE:** Will the Hon'ble Minister be pleased to state if there has been any deterioration in the quality of the gas supplied after the company was taken over by the present owners?

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** I have no comparative figures, but, generally speaking, it is so perhaps.

**SJ. BIMAL COMAR CHOSE:** Will the Hon'ble Minister be pleased to state, in view of the reply just now given, the reasons for such deterioration, if any, which he has already mentioned?

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** I have already said that it is perhaps due to the old machinery which is not being properly worked.

**SJ. BIMAL COMAR CHOSE:** In view of the fact that the same machinery was being used by the old company, will the Hon'ble Minister be pleased to state how the machinery is primarily or mainly responsible for the deterioration?

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** I am afraid I cannot stand that cross-examination.

**SJ. J. C. GUPTA:** Will the Hon'ble Chief Minister be pleased to consider the desirability of reducing the rates as the quality and supply have deteriorated?

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** We have not yet considered that point. We are trying the other way, viz., try and improve, if possible, in other directions.

**SJ. J. C. GUPTA:** Is the Hon'ble Minister aware that it now takes four times the time to cook and also if you want quickly, perhaps, tea to go and keep an engagement, it is impossible under the present pressure of supply?

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** I am afraid, I have not changed my profession to that of a cook. I do not go to the cooking room and, therefore, I do not know how it happens, but I suppose it is correct when you say so.

**SJ. SIBNATH BANERJEE:** I hope there is no suggestion that he has changed his profession from that of a Barrister.

**SJ. BIMAL COMAR CHOSE:** Will the Hon'ble Minister be pleased to state whether the Corporation of Calcutta, in view of the low quality of gas supplied, is thinking of changing street lighting from gas lighting to electric lighting?

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** I have no definite information.

**SJ. DEBENDRA NATH SEN:** Will the Hon'ble Minister be pleased to state whether he has received any complaint about the management having deteriorated?

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** I have received no formal complaint—that will go to the Labour Minister.

**SJ. DEBENDRA NATH SEN:** Will the Hon'ble Minister be pleased to state whether he feels the desirability of carrying on an investigation on this issue as to whether the management has deteriorated?

(The Hon'ble Niharendu Dutt-Mazumdar said something from his seat.)

**Mr. SPEAKER:** If any Minister wants to raise some point, he should rise up and say. That is the proper way to do it.

**SJ. DEBENDRA NATH SEN:** Will the Hon'ble Minister be pleased to state whether he feels the desirability of carrying on investigation as to whether the management has deteriorated or not?

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** Sir, I would ask how this question can arise out of the answer to the question.

**Mr. SPEAKER:** The question is about complaints and that also is one of the complaints—it may be due to mismanagement. So, this question is in order.

**SJ. DEBENDRA NATH SEN:** Sir, I have got no reply.

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** I have no answer to give.

**Mr. SPEAKER:** That I can't help.

**SJ. SIBNATH BANERJEE:** Supplementary question, Sir. বানরীয়া বহীষদাশয় বসেছেন—

**Mr. SPEAKER:** Please speak up.

**SJ. SIBNATH BANERJEE:** More mikes may be supplied on this side.

**Mr. SPEAKER:** I think there is some humming noise in the House and I would request the members as well as the visitors to keep quiet.

**SJ. SIBNATH BANERJEE:** আমি জিজ্ঞাসা করেছিলুম আমার supplementaryতে বানরীয়া বুধা বহী এই যে বসেছেন এটা expedient নয়. at present to nationalise the manufacture and supply of gas 'কি' কারণে এটা expedient নয়', তিনি বসে করেন এটা জানিয়ে কি? একটা কারণ অবশ্য জানিয়েছেন much old সেটা এক অন্যান্য কারণ কি আছে তা জানিয়ে কি?

**Mr. SPEAKER:** Mr. Banerjee, that is a request for opinion.

**SJ. SIBNATH BANERJEE:** Sir, I could not catch you.

**Mr. SPEAKER:** Government have said that it is not expedient to nationalise. That is their opinion.

**SJ. SIBNATH BANERJEE:** I am not asking for their opinion. I am asking for the reasons on which they have formed their opinion. He has expressed his opinion and I am not asking anything about it. That opinion whether it is good or bad we can know when he states his reasons. I am asking for the reasons which led them to form this opinion.

**Mr. SPEAKER:** You want the reasons?

**SJ. SIBNATH BANERJEE:** Yes, Sir.

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** The first reason is, no money.

**SJ. JYOTI BASU:** Will the Hon'ble Minister be pleased to state whether the Hon'ble Finance Minister Sj. Nalini Ranjan Sarker has anything to do with the Oriental Gas Co.?

**Mr. SPEAKER:** Mr. Basu, this question does not arise out of this.

**SJ. JYOTI BASU:** Why not? It is because of this that this company is not being nationalised.

**Mr. SPEAKER:** No, no.

#### • Appointment of the Public Prosecutor of Calcutta

**\*73. SJ. ANNADA PROSAD CHOUDHURY:** Will the Hon'ble Minister in charge of the Judicial Department be pleased to state—

- (a) what were the rules and methods followed in the case of appointment of the present Public Prosecutor of Calcutta;
- (b) whether the selection of the present Public Prosecutor of Calcutta was made by the Public Service Commission;
- (c) whether the Bar Association of the Police Court was consulted;
- (d) whether any attempt was made for securing a suitable candidate from the Local Bar;
- (e) whether any advertisement was made in any paper for the post;
- (f) if so, when; and
- (g) the number of candidates out of whom the selection was made?

**MINISTER in charge of the JUDICIAL DEPARTMENT (the Hon'ble Niharendu Dutt-Mazumdar):** (a) No well-defined or prescribed rules and methods for the appointment were in existence, the appointment being hitherto left entirely to the discretion of Government. On former occasions no question of consultation with the Public Service Commission arose. Well-defined rules and methods had therefore to be considered on the occasion of the recent vacancy and the matter of framing the rules for recruitment, etc., is now under Government's consideration, and will be settled in consultation with the Public Service Commission. As this would take time, and the outgoing Public Prosecutor, Calcutta, had to be relieved on the due date of the commencement of his leave preparatory to retirement a stopgap arrangement was considered necessary and the Chief Presidency Magistrate, Calcutta, was consulted as in the past in making the present temporary appointment.

(b), (c) and (e) No.

(d) The Chief Presidency Magistrate, Calcutta, was asked to consider the cases of all eligible candidates and to submit his recommendations to the Government.

(f) Does not arise.

(g) The Chief Presidency Magistrate, Calcutta, considered the cases of all eligible candidates and recommended Sri P. K. Basu, Barrister-at Law, for appointment.

**Shaikh MOHAMAD RAFIQUE:** Will the Hon'ble Minister be pleased to state how many names were recommended by the Chief Presidency Magistrate for this post?

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** The Chief Presidency Magistrate out of his consideration recommended Sri P. K. Basu, Barrister-at-Law, for appointment having considered all eligible names for this post.

**8j. ANNADA PROSAD CHOUDHURY:** Supplementary question Sir, মাননীয় মহাপরিচালক বলেছেন যে Public Service Commission-এর সঙ্গে পরামর্শ করলে অনেক সময় দেরী হতো কিন্তু Chief Presidency Magistrate-এর সঙ্গে পরামর্শ এবং Public Service Commission-এর সঙ্গে পরামর্শ করার মধ্যে যেটা সময় সাপেক্ষ তাহা কি কি কারণ আছে?

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** The honourable member's assumption is not quite correct. As I have stated in the reply, consultation with the Public Service Commission was not necessary for this appointment. Therefore, the present Government is considering settling well-defined prescribed rules for appointment in consultation with the Public Service Commission, so that thereafter appointments may be made in accordance with the rules prescribed for such purpose. For the purpose of framing rules and settling them, consultation with the Public Service Commission will be made.

**8j. DEBENDRA NATH SEN:** Will the Hon'ble Minister be pleased to state when has the Government taken up consideration of framing well-defined rules for the purpose of making this appointment?

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** Last week of February.

**8j. DEBENDRA NATH SEN:** Will the Hon'ble Minister be pleased to state why so much delay has been made in taking up that consideration?

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** The consideration was taken up within a week after the question came up before the Government.

**8j. DEBENDRA NATH SEN:** Will the Hon'ble Minister be pleased to state whether it was not known to him from long before that the present Public Prosecutor was to retire?

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** It was not anticipated that the present Public Prosecutor would suddenly press to be relieved on account of ill health, and, therefore, the question of a vacancy falling earlier than due could arise. It was foreseen.

**8j. DEBENDRA NATH SEN:** Will the Hon'ble Minister be pleased to state as to how the candidates could know that an appointment was going to be made so as to come before the Chief Presidency Magistrate?

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** For the information of my honourable friend I may say that the practice in selecting Public

Prosecutors for districts is by way of selecting the best available candidate among the known practitioners of the court concerned. So likewise pending finalisation of the rules for recruitment, Government followed the same practice as in the districts of selecting Public Prosecutors in conformity with past procedure.

**SJ. DEBENDRA NATH SEN:** Will the Hon'ble Minister be pleased to state whether any notice in the press was issued for this purpose?

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** The answer has already been given.

**Shaiikh MOHAMAD RAFIQUE:** Will the Hon'ble Minister be pleased to mention the names of all those persons whose cases were considered by the Chief Presidency Magistrate?

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** That was left entirely to the Chief Presidency Magistrate, as I have already stated, to consider the cases of all persons considered eligible.

**SJ. ANNADA PROSAD CHOUDHURY:** Supplementary question, Sir, মাননীয় মহাশয় বলেছেন যে Public Prosecutor appoint করার সময় সেখানকার Bar-এর সঙ্গে পরামর্শ করা হয়।

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** No, no. It is incorrect; I have not said that. It is the District Authorities.

**SJ. ANNADA PROSAD CHOUDHURY:** District authorities? কিন্তু এতীতে আদালতের Public Prosecutor যখন appoint করা হয়েছে, তখন Bar Library-র সঙ্গে পরামর্শ করে হয়েছে কিনা বলবেন কি?

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** That question does not arise out of that.

**SJ. ANNADA PROSAD CHOUDHURY:** যে principle-এর কথা বলেছেন যখন-যখন Public Prosecutor নিয়োগ করা হয়েছে?

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** District authorities; and it is left to the District authorities to consult whomsoever they may consider necessary.

**SJ. ANNADA PROSAD CHOUDHURY:** এই District authority বলতে কাদের ডিগ্রি বোঝানো হয়?

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** District Magistrates and District Judges in the case of the mufassal districts, and the Chief Presidency Magistrate in the case of Calcutta.

**SJ. ANNADA PROSAD CHOUDHURY:** Supplementary question, Sir, মাননীয় মহাশয় বলেছেন যে District Magistrate সেখানকার Bar Library-র সঙ্গে পরামর্শ না করে নিজেই যদি করেন তা চলতে পারে কি?

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** That is a hypothetical question which cannot arise.

**Mr. SPEAKER:** Don't put hypothetical question.

**SJ. ANNADA PROSAD CHOUDHURY:** Sir, this arises out of this question. In this case only the Chief Presidency Magistrate was consulted. Therefore, I may put: is there any rule or any provision that the Chief Presidency Magistrate should consult the Bar as well?



**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** There is no such rule.

**Mr. SPEAKER:** You should put this question first as to whether there is any such rule that the Chief Presidency Magistrate should consult the Bar Association.

**SJ. ANNADA PROSAD CHOUDHURY:** আমি এই কথাই ভিজ্ঞাসা করছিলাম, Chief Presidency Magistrate তার যখন মনোনীত প্রার্থী Government-এর কাছে প্রস্তাব করেন, তখন সেখানকার Bar Library-র সঙ্গে পরামর্শ করার প্রয়োজন আছে কিনা ?

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** I am not aware. It is open to the Chief Presidency Magistrate to consult if he so thinks fit.

**SJ. ANNADA PROSAD CHOUDHURY:** Supplementary question, Sir, "The Chief Presidency Magistrate considered the cases of all eligible candidates". এই (g) paragraph-এ বলেছেন, eligible candidates তার কাছে উপস্থিত হয়েছিল কখন এবং কি উপায়ে উপস্থিত হতে পারে সে সবকিছু তিনি বলবেন কি ?

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** I want notice.

**SJ. ANNADA PROSAD CHOUDHURY:** তার জন্য Government-এর তরফ থেকে কোন advertisement বা notice না দেওয়া যায় তাহলে মাননীয় মহীমহাশয় বলবেন কি করে প্রার্থীরা Chief Presidency Magistrate বা Government-এর কাছে দরখাস্ত উপস্থিত করতে পারে ?

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** All eligible candidates are presumably known to the Chief Presidency Magistrate as the Presiding Officer of the Court where the appointment will be made.

**SJ. JYOTI BASU:** Will the Hon'ble Minister be pleased to state whether he enquired as to what was the income at the Bar of Sri P. K. Basu, Barrister-at-Law ?

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** No; I did not enquire.

**SJ. JYOTI BASU:** Will the Hon'ble Minister be pleased to state whether it is the usual practice to consult the Advocate-General of the Calcutta High Court ?

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** I rely entirely on the opinion of the District Authorities, and in this case of the Chief Presidency Magistrate.

**SJ. JYOTI BASU:** My question was whether it is the usual practice for the Advocate-General of the Calcutta High Court to make recommendations ?

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** No.

**SJ. JYOTI BASU:** Is the Hon'ble Minister aware that the Advocate-General did make certain recommendations on a former occasion for such a post ?

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** I am not aware.

**SJ. DEBENDRA NATH SEN:** Will the Hon'ble Minister be pleased to state as to whether Sri P. K. Basu managed to fail several times in the Bar Examinations in London ?

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** I am not aware of that.

**SJ. DEBENDRA NATH SEN:** Will the Hon'ble Minister be pleased to state whether Sri P. K. Basu was reading along with him at the same time in the same Inn?

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** All barristers of my generation must have been in London when I was a student there.

**Shaikh MOHAMMAD RAFIQUE:** Will the Hon'ble Minister be pleased to state the remuneration which this post carries?

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** I cannot say off-hand; I want notice.

**SJ. ANNADA PROSAD CHOUDHURY:** Will the Hon'ble Minister be pleased to state the salary of the Public Prosecutor?

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** I cannot tell you off-hand.

**SJ. DEBENDRA NATH SEN:** Is it going to be increased in view of this new appointment?

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** No such question has arisen.

**SJ. ANNADA PROSAD CHOUDHURY:** Sri P. K. Basu-এর পূর্বে যে কাজ করতেন, তাঁর বেতন কত ছিল এবং তিনি কত income-tax দিয়েছেন সেটা বান্দীর স্বীকৃতিস্বরূপ জানাবেন কি?

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** Please ask the Income-tax Commissioner.

### UNSTARRED QUESTIONS

(answers to which were laid on the table)

#### Jatiya Rakshi Dal

**19. SJ. SHYAMAPADA BHATTACHARYYA:** (a) Will the Hon'ble Minister in charge of the Home (Defence) Department be pleased to state—

- (i) the amount spent from the Government Exchequer on account of *Jatiya Rakshi Dal*,
- (ii) the number of men trained through that organisation;
- (iii) the number of them engaged in village defence work;
- (iv) whether any check was kept on the accounts; and
- (v) whether large sums spent by the Chairman and Secretary of the Council of *Bangiya Jatiya Rakshi Dal* are still unaccounted for?

(b) If the answer to (a) (v) be in the affirmative, will the Hon'ble Minister be pleased to state the steps he is contemplating to take to have the accounts properly audited and punish the delinquents, if any?

**MINISTER in charge of the HOME (DEFENCE) DEPARTMENT (the Hon'ble Bhupati Majumdar):** (a)(i) A contributory grant of Rs. 1,23,000 was made to *Bangiya Jatiya Rakshi Dal* Council in February-April, 1948.

(ii) Nil, as training, control and administration of the Training Centre were taken over by Government shortly after the *Bangiya-Jatiya Rakshi Dal* started functioning. Volunteers were actually trained under Government control and supervision.

(iii) and (b) Do not arise.

(iv) Yes.

(v) The Committee and Council have since gone into voluntary liquidation and auditor's report is awaited.

**Shaikh MOHAMAD RAFIQUE:** Will the Government be pleased to state if the Government had any hand in the formation and working of *Jatiya Rakshi Dal*?

**The Hon'ble BHUPATI MAJUMDAR:** The *Jatiya Rakshi Dal* was a registered body and it went into liquidation three years back.

**Shaikh MOHAMAD RAFIQUE:** Will the Hon'ble Minister be pleased to state if the Government had any hand in the formation and working of that *Jatiya Rakshi Dal*?

**The Hon'ble BHUPATI MAJUMDAR:** It is no more called the *Jatiya Rakshi Dal*. It is now the National Volunteer Force.

**Shaikh MOHAMAD RAFIQUE:** Will the Hon'ble Minister be pleased to state if the Government had any hand in the formation and working of that body?

**The Hon'ble BHUPATI MAJUMDAR:** No, it was started by a non-official organisation.

**Shaikh MOHAMAD RAFIQUE:** Will the Hon'ble Minister be pleased to state if any conditions were attached to the grant while the grant of Rs. 1,23,000 was made to this body?

**The Hon'ble BHUPATI MAJUMDAR:** It was a contributory grant, first Rs. 50,000; then Rs. 73,000. I do not think they spent the sum of Rs. 73,000 all. After spending a few thousands they stopped their work and we took over that organisation.

**Shaikh MOHAMAD RAFIQUE:** Was there any condition attached to the grant while making the grant?

**The Hon'ble BHUPATI MAJUMDAR:** No condition was attached.

**Shaikh MOHAMAD RAFIQUE:** Was any enquiry made before making the grant to this organisation?

**The Hon'ble BHUPATI MAJUMDAR:** Why? It was composed of all well-known public men.

**SJ. JYOTI BASU:** Will the Hon'ble Minister be pleased to state as to how much money was actually spent by the *Jatiya Rakshi Dal* before it was taken over by Government?

**The Hon'ble BHUPATI MAJUMDAR:** Well, it is very difficult to give you the exact figure. Anyhow the first contributory grant was Rs. 50,000; then again Rs. 73,000 out of which they had spent about Rs. 6,000—Rs. 7,000 when the management had to be taken over because we could not allow a private organisation like this to continue. It was an important organisation, so Government took it over.

**SJ. DEBENDRA NATH SEN:** In view of the reply just given, will the Hon'ble Minister be pleased to state if, when the Government took over this *Bangiya Jatrya Rakshi Dal*, it took over also its account and everything?

**The Hon'ble BHUPATI MAJUMDAR:** Yes, everything, lock, stock and barrel.

**SJ. DEBENDRA NATH SEN:** Arising out of reply (a)(ii) "Nil, as training, control and administration (etc.) were taken over by Government", will the Hon'ble Minister be pleased to state as to what was the reason for making a grant to the extent of Rs. 1,23,000 and for what purpose it was made?

**The Hon'ble BHUPATI MAJUMDAR:** It was necessary to be made at first because that sort of organisation was thought to be necessary but when it started growing Government thought that such an important organisation should not be left in the hands of any private body. That is why Government passed an Act and took it over.

**SJ. DEBENDRA NATH SEN:** Will the Hon'ble Minister be pleased to state as to who was the President and who the Secretary of this organisation?

**The Hon'ble BHUPATI MAJUMDAR:** I want notice.

**Shaikh MOHAMAD RAFIQUE:** Will the Hon'ble Minister be pleased to state if it had any representative of Government on its Council?

**The Hon'ble BHUPATI MAJUMDAR:** No.

(The Speaker called the next Question.)

**SJ. SIBNATH BANERJEE:** We have not yet finished our supplementary questions on Unstarred Question No. 19, and the question hour is not yet over as there are 15 minutes still left.

**Mr. SPEAKER:** There is a limit to supplementary questions on a particular question, and we have still two more questions on which also there may be a good number of supplementaries.

#### **Dafadars and chowkidars of Daspur thana, Midnapore district**

**20. SJ. BEPIN BEHARI CANGULI:** (a) Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to state if it is a fact—

- (i) that the dafadars and chowkidars of Daspur thana, district Midnapore, are getting rupees nine and rupees seven, respectively, per month as their pay;
- (ii) that they are engaged throughout the week in attending to their duties and are not permitted to augment their income by other means; and
- (iii) that their pay is much below the minimum fixed by Government for servants in other offices?

(b) If the answer to (a) is in the affirmative, will the Hon'ble Minister consider the desirability of revising the pay of chowkidars and dafadars?

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** (a)(i) No. The dafadars and chowkidars of Daspur thana are getting Rs. 7 and Rs. 6, respectively, as their pay. In addition they get a special temporary allowance of Rs. 3 each per month which is paid by Government.

(ii) It is not a fact that the dafadars and chowkidars are engaged throughout the week in attending to their duties as such. Chowkidars are required to attend union board parades once a fortnight and thana parades once a month, while dafadars are required to attend thana parades once a week. They are also expected to do the normal work of dafadar and chowkidar. These duties do not by any means keep them occupied full-time, nor are they regarded as full-time Government servants. They are free to augment their income by other means in their spare time and, in fact, all dafadars and chowkidars do so. No permission of anybody is required for doing whatever work they like in the time at their disposal outside chowkidari duties.

(iii) As they are not Government employees this question does not arise.

(b) Dafadars and chowkidars are paid by the union boards, who may at any time increase the rates of pay of the chowkidari staff if they wish to. The State Government have at present sanctioned a temporary allowance and are examining the question of increase of pay.

**Alleged wastage of vaccine lymphs of Calcutta Corporation and the activities of its present Health Officer**

**21. SJ. BEPIN BEHARI CANGULI:** (a) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether it is a fact—

- (i) that Corporation of Calcutta had to purchase vaccine lymphs from outside market;
- (ii) that there was plenty of supply of vaccine lymphs from its own Vaccine Department; and
- (iii) that there had been wastage of vaccine lymphs and that considerable amount of vaccine lymphs were transferred to Pakistan?

(b) If the reply to (a) is in the affirmative, will the Hon'ble Minister be pleased to state who is responsible for such transfer of vaccines to Pakistan and the reason therefor?

(c) Will the Hon'ble Minister be pleased to state if it is a fact—

- (i) that the present Health Officer of the Corporation (Dr. M. U. Ahmed) draws Ambulance allowance and other allowances during his leave;
- (ii) that he is a Director of the Central Co-operative Milk Societies Union, 114, Bowbazar Street, Calcutta; and
- (i) that the said firm is a contractor to the Calcutta Corporation for supply of milk?

(b) If the reply to (c) is in the affirmative, will the Hon'ble Minister be pleased to state—

- (i) whether it is permissible for the Health Officer to draw such allowances during his leave;
- (ii) whether such association of the Health Officer with a contractor-firm is permissible; and
- (iii) whether Government consider the desirability of enquiring into the matter?

**The Hon'ble JADABENDRA NATH PANJA:** (a) (i) Vaccine lymph was purchased from the Governments of Bombay, Madras, Bengal, Bihar and the United Provinces between the years 1945-46 and 1947-48.

(ii), (iii), (c) (i) and (d) (iii) No.

(b) and (d) (i) Do not arise.

(c) (ii) No. He was nominated as a Director by the Registrar of Co-operative Societies for the period from the 24th April, 1949, to the 10th June, 1950.

(iii) Yes.

(d) (ii) Yes. Dr. Ahmed was nominated as a Director as his association with the Union as a Health Officer was considered desirable. He had no pecuniary interest in the Union.

#### Point of Privilege.

**The Hon'ble BIMAL CHANDRA SINHA:** I rise on a point of privilege of the House. It is in connection with and in continuation of the point of privilege raised I understand the other day by S<sup>r</sup>. Shyamapada Bhattacharyya about a comment on the Hon'ble Speaker of this House which had appeared in a certain newspaper of this city. In disposing of that point of privilege raised the other day, you were pleased to observe that the newspaper concerned should make proper amends for making such comments. I find in today's issue of that newspaper that only a note has been written on that subject. If you desire, Sir, I may read out that note. (Mr. SPEAKER: Not necessary, I have seen it.) If you have seen it, Sir, do you think that proper amends have been made by that newspaper in that note?

**Mr. SPEAKER:** It is a very delicate question and I did not want to be dragged into it. I have read it and I do feel that there should have been been a little expression of regret about the matter. But I have already stated that I am not going to take action in this case and I leave it to the good sense of the paper concerned and if the good sense of the paper concerned did not go beyond what they have stated I still keep my promise that I do not propose to take any action in this case, the first of its kind in my time. I however wish to remind members of this House that under the new Constitution all the powers and privileges of the House of Commons have been vested in this House as well as in the Speaker and such cases are capable of being dealt with as breaches of privilege either by the House or at the instance of the House by the courts. That is all I wish to say on the present occasion and I close this chapter here irrespective of what has been done or remains to be done.

**The Hon'ble BIMAL CHANDRA SINHA:** Before you finally close the matter, Sir, may I draw the attention of the House to the fact that the editor of this newspaper happens to be an honourable member of this House, and may I request him through you, Sir, as to whether he has anything to say in this matter.

**Mr. SPEAKER:** I see what the Hon'ble Minister says but I do not recognise that aspect of the matter, namely, an honourable member of this House being editor of that newspaper. I believe I stated yesterday what I had to state in the matter and I don't wish to say anything further on this subject.

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** I would make a submission, Sir, on the point of privilege that has been raised and I do so rising on a point of privilege. While you in your generosity might be

pleased to leave the matter of making suitable amends to the good sense of the authors of this breach of privilege, the House may not agree, Sir, to leave it entirely and indefinitely to their good sense if good sense will not dawn on them. The House considers it a violation of a precious privilege of the House and I would therefore ask you, Sir—(interruptions by S. J. Sibnath Banerjee) I am on my legs on the subject of a privilege of the House. I therefore ask you, Sir,—in case you thought that although the matter was of so grave importance you would not like yourself personally to give a decision in the matter—if it is your desire to leave the matter to be decided by the House, then it will have to be considered whether the House will not have to take up the matter and take appropriate measures by a resolution or by such other course which is open to the House and its Committee of Privileges. So, Sir, I shall be obliged if you will kindly let this House know your desire in the matter.

**S. J. SIBNATH BANERJEE:** What the paper has done or not I do not know but what the Hon'ble Minister has done is a reflection on the Chair. You may out of your generosity say "I shall not go beyond it and leave the matter at that". And the Hon'ble Minister has the right to raise a point of order but not on a point on which you have given your decision. Therefore when he says that you may be generous enough to leave it at that but we will not allow it to go unnoticed, it is, I submit, a reflection on the Chair and he must apologize for that.

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** Sir, I would make it quite clear that because it is a delicate matter you may not take it up but I want to know whether you will allow the House to take up the matter.

**S. J. DEBENDRA NATH SEN:** Sir, my name has been dragged in as I happen to be the Editor-in-Chief—

**Mr. SPEAKER:** No, no.

**S. J. DEBENDRA NATH SEN:** Sir, I may say for the information of the House that the Editor-in-Chief realises his duties in upholding the prestige of the Speaker. So the members on the other side need not have shouted so much.

**Mr. SPEAKER:** So far as that point is concerned, a member can raise the question as to whether certain things should be given consideration or not. But so far as I am concerned I have closed it. So far as the members of the House are concerned they will consider their own privilege. But I believe this matter should not be given so much importance but, of course, that is my own personal opinion.

#### Adjournment motion.

**Dr. P. C. CHOSH:** Sir, you have kindly given your consent to my adjournment motion. May I have the leave to move it?

**Mr. SPEAKER:** Let me first read out the statement.

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** On a point of order, Sir. Before doing that have you considered whether it is in order or not? You may have given your consent but here before you read out the statement the House would like to know whether you considered it to be in order, because, it is only then that you may read the statement of objects and ask for leave of the House. In doing that, Sir, there are two stages—consent is one matter and after that the point has to be decided by you whether it is in order or not. If you are of opinion that this is in order then you can read out the statement and ask for the leave of the House.

**Dr. P. C. GHOSH:** When Mr. Speaker has given his consent it is taken for granted that it is in order. Otherwise, he would not have given his consent.

**Mr. SPEAKER:** Let me explain the position. When an adjournment motion comes, *prima facie*, the Speaker examines the motion and if he thinks that it is in order and he is satisfied that consent should be given he gives his consent. But when it comes up before the House any member can raise the question whether the particular motion is in order or not. But that point of order has to be raised formally in the House itself as to whether it is in order or not. Then after hearing both the parties the Speaker is entitled to give his opinion. I do not know whether the Hon'ble Minister wants information from me whether I have considered the adjournment motion or not. But so far as my opinion is concerned it should be presumed that I have considered the matter before giving my consent. It has, however, been our practice, because it is given *ex parte*, that members can raise a point of order and then again the whole matter is considered in the light of the observations made in the House.

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** Sir, it has always been the practice of the House with reference to rule 91, viz., if the Speaker is of opinion that the matter proposed to be discussed is in order and it has not been disallowed under these rules, the Speaker shall read the statement to the Assembly and ask whether the member has the leave of the Assembly. Now, Sir, I am not aware what is written there in the statement and I therefore wanted to know from you as to whether it is in order and I can only express my opinion as to whether I have any objection or not.

**Mr. SPEAKER:** I shall now read the short statement of facts. About five thousand East Bengal refugees started in a procession from Wellington Square on the afternoon of the 28th March at about 4.30 p.m. They were being led by Dr. Suresh Chandra Banerji, Srijukta Lila Roy, Sri Saumyen Tagore, Sri Charu Roy and others. The object of the processionists was to go to the Assembly House with a view to place their demands before the Government. They were obstructed by the police on the road near the north-west corner of the Curzon Park. Dr. Banerji, Srijukta Roy and several others somehow passed through the police cordon. In the process of doing so there was some jostling by the police and some of them received some blows from the police. After they had passed through the cordon the police made a severe *lathi*-charge on the refugees. The *lathi*-charge was followed by cavalry charge. As a result many including some ladies were injured. Both the *lathi* and cavalry charge were unprovoked and uncalled for as the refugees were peaceful throughout.

The demand of the refugees was simple. They wanted to see the Chief Minister.

After the *lathi*-charge about 25 persons were arrested. Dr. Banerji, Lila Devi, Sri Saumyen Tagore and Charu Roy were arrested and taken to Lalbazar but later released after about two hours.

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** Sir, I am rising on a point of order, and my point of order is this. When nothing extraordinary happens, when a matter which relates to ordinary process of law and order and therefore a matter in connection with which any incident may be decided by court, viz., a matter of arrest, takes place, as stated in the body of the statement, quite apart from the fact that the statement is to be taken as correct or not, I submit that such a motion cannot arise as a fit motion that can be regarded to be in order for an adjournment of the House, because it is palpably a *sub-judice* matter.



**Janab MD. KHUDA BUKHSH:** What is *sub-judice* here?

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** The very fact of arrest leading to subsequent trial in a court of law may be *sub-judice*. I would in this connection remind you that on previous occasions when people have been bent upon deliberately violating orders promulgated under section 144 or similar other orders, those in charge of law and order only exercise their natural functions and do their duty in seeing that such orders are not violated and then if any question arises that is a matter to be settled in a court of law. Sir, about December, 1947, or January, 1948, when the then Premier, Dr. P. C. Ghosh, was moving his Security Bill on the floor of this House a crowd led by certain honourable members on the other side had actually tried to flout the order of the police and invaded this House and tried to obstruct the business of the Legislature and the then Premier, Dr. P. C. Ghosh, found it necessary to take the most drastic measure. There was firing and a very ugly situation took place but the House was not adjourned on that occasion. (At this stage there was a noise in the House from Opposition Benches.)

**Mr. SPEAKER:** Order, order. The point of order is whether the adjournment motion is admissible under the rules or not and one of the points is whether this is not a matter of ordinary administration of law and it is that point which is being elucidated upon by the Hon'ble Minister. I would appeal to the honourable members to let him make his statement and I hope the Hon'ble Minister also will confine himself to the salient points only.

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** That is what I am going to do. Therefore, Sir, I say that all precedents show that when a mere matter of ordinary law and order has been involved the House has not been adjourned even under the gravest of provocation. This House which is the custodian of the rights and responsibilities of all the inhabitants of the State cannot be allowed to be disturbed by a handful of people, not *bona fide* refugees. The facts stated also are not correct. There is mention of arrest and other things which have already been mentioned. Who knows that prosecution has not already been launched or not going to be launched. Therefore, I suggest, Sir, that this is a matter which on no consideration can be considered as in order for the purpose of being moved for the adjournment of the business of the House which is only allowed when something of very grave and extraordinary importance has happened. Sir, if some members of the Opposition take into their head that until they are in office again they shall continue to disturb and disrupt—

**Mr. SPEAKER:** Please do not say so.

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** I am saying this with reference to the instigators who tried to lead a violent mob to this House. My point is that this motion cannot arise.

**SJ. JYOTI BASU:** Mr. Speaker, will you first of all call the Minister to order. He is delivering an oration.

**Mr. SPEAKER:** I had asked the Minister to confine himself to the point of order.

**SJ. JYOTI BASU:** He must know how to make a point of order.

**Janab MD. KHUDA BUKHSH:** May I make my humble suggestion on the point of order raised by the Hon'ble Minister. Rule 87 says that a motion for an adjournment of the business of the Assembly for the purpose of discussing a definite matter of urgent public importance may be made with

the consent of the Speaker. The point at issue here is whether in the opinion of the Hon'ble Speaker the subject-matter referred to in Dr. Ghosh's adjournment motion is of urgent public importance. Sir, when you have yourself given the consent the House can presume that you have deemed it an urgent matter of public importance. Therefore it is absolutely in order for this House to raise it. Now it remains for this House to give leave to move the adjournment motion. I should think that there is absolutely no room for the Hon'ble Minister to raise this point of order which, Sir, you will be pleased to rule out of order.

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** My friend has pointed out rule 87 but rule 89(v) says "the motion must not deal with a matter on which a resolution could not be moved". When the matter involved is *sub-judice*—

**Janab MD. KHUḌA BUKHSH:** That aspect has been considered by the Hon'ble Speaker.

**Dr. P. C. GHOSH:** I will request the Minister to let us know whether it is *sub-judice*. He said it is *sub-judice* which is absolutely wrong. Members may be released. Is there any case against them?

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** No, Sir; there are 25 persons under arrest whose case has been—

**Dr. P. C. GHOSH:** Dr. Suresh Banerji, Mrs. Leela Roy and others have been released. It is not a *sub-judice* case.

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** But in your statement you have mentioned 25 arrested persons.

**Dr. P. C. GHOSH:** There are other cases too.

**Sj. SIBNATH BANERJEE:** The most outrageous point of order has been raised in the House after so many years and it has been raised by the Hon'ble Judicial Minister. He says that there is law and order and everything can go to court. That much ought to have been known to him because everything on earth, outside or inside, can go to court. Therefore no adjournment motion will be valid because you can go to court and take decision either in the ordinary courts or in High Court by an injunction and all sorts of things. Therefore to advance this argument by the Judicial Minister disqualifies him to occupy that Chair. (The Hon'ble Dr. Bidhan Chandra Roy: Hear, hear!)

**Mr. SPEAKER:** You please come to the point.

**Sj. SIBNATH BANERJEE:** This is the most irrational argument advanced by the Hon'ble Minister.

Secondly, he says it is *sub-judice*. About that I do not know what the Hon'ble Dr. Roy was saying but Dr. Ghosh already said that four of them have been released. Whether arrest by police is *sub-judice* or not I do not know. The police may arrest and then release. Unless it is before a court you cannot call it *sub-judice*.

**Sj. DEBENDRA NATH SEN:** Mr. Speaker, I think that the Hon'ble Minister has raised two points when speaking about his point of order. One is that if a matter arises out of the day-to-day activities of the administration it cannot form the subject-matter of an adjournment motion, and the second point is that if it be a matter which is *sub-judice* it cannot also form the subject-matter of an adjournment motion.

The second point is clear because we have got your ruling on that point on many occasions, but it is the first point that I would like to speak on. Sir, it is particularly because something unique happens in the course of the day-to-day work of the administration that we come here for moving a motion for adjournment and something unique happened yesterday while going to maintain law and order and therefore members of this House have brought forward this adjournment motion to discuss that point that in pursuance of administrative activities so much violence was not necessary, so much violence on women was not necessary. That is the point I want to make and I consider that this adjournment motion is perfectly in order.

**8J. CHARU CHANDRA BHANDARI:** মাননীয় স্পীকার মহাশয়, এখানে adjournment motion আনতে হ'লে এটি essential জিনিষের প্রয়োজন, যে হচ্ছে যখন কোন matter সম্পর্কে আনা হয় সেখানে হবে সেটা matter of public importance কিনা, সেটা urgent কিনা এবং সেটা definite matter কিনা এবং এই জিনিষটা স্পীকার ঠিক করবেন। এটার যা হয়েছে—যখন একটা আইনের প্রস্তাব এখানে আনা হয়, Government থেকে যদি কোন Bill এখানে আনয়ন করা হয় তাহলে publicএর right আছে তাদের protest আনানোর—meeting ক'রে বা procession ক'রে এবং তাদের সেই meeting করতে বা procession করতে বাধা দিতে গিয়ে,—যদিও সেই meeting করে protest করা is a constitutional method তবু সেই meeting এবং processionএ বাধা দিতে গিয়ে যদি তাদের লাঠিপেটা করা হয়, গ্রেপ্তার করা হয় তাহলে certainly it is a matter of public importance এবং এটা যে is of public importance তার আর প্রমাণ দিতে হবে না, কারণ সমস্ত সংবাদপত্রে এটা headline দিয়ে প্রকাশ করেছে। তাছাড়া আজ কলকাতার সমস্ত ভুল কলেজে strike হয়ে গিয়েছে। দ্বিতীয় কথা—সেটা urgent কিনা। Urgent কিনা সেটা বুঝতে হবে in relation to the discussion in this House. কাজেই discussion শেষ হয়ে গিয়েছে, অতএব আর কোন opportunity আমাদের নাই এই matterটা যে আনতে পারব। Session প্রায় শেষ হতে চলে, কাজেই Question formএও আনা সম্ভব নয়। আর বার বিনও বোধ হয়ে আমাদের সময় নাই, House prorogued হয়ে যাবে। কাজেই এটা যে urgent matter ও definite matter জাতে কোন সম্ভাব্য নাই। তারপর particular incidentsও সেওয়া হয়েছে—lathi charge, cavalry charge and arrest of leaders; এইসব না হ'লে, day-to-day administrationএর matter হ'লে স্বতন্ত্র কথা ছিল। তাতেও যে adjournment motion হবে না তা নয়, অবশিষ্ট যে incidentsগুলি হয়েছে সেটা একটা adjournment motionএর essential বিষয় বলেই ধরা যেতে পারে।

**8J. HARIPADA CHATTERJEE:** মাননীয় সভাপতি মহাশয়, আমি একটা কথা বলব। Sub-judiceএর কথা যে তুলছেন, এই caseটা sub-judice নয়। Judicial Minister ব'লছেন বলেই যে নবকিছুকে এই sub-judice হতে হবে তা নয়। উনি বাগাড়ম্বর করে যে দীর্ঘ বক্তৃতা দিয়েছেন তার কোন ভায়গায় দেওয়াতে পারেননি যে এটা আইনসংগেওটার sub-judice হয়েছে।

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** Sir, I just want to give one information to the House, namely, that all the twenty-five persons who were arrested were placed before the Magistrate today.

**8J. SIBNATH BANERJEE:** Have they been released?

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** No; not yet.

**8J. SIBNATH BANERJEE:** Sir, just now the Chief Minister said that the arrested persons have been placed before the Magistrate, because, Sir, it was I who raised the question. We did not know whether they have been produced before the Court. If they are produced before the Magistrate, that is sub-judice. Now, Sir, after the Chief Minister has given that information, we are precluded from discussing those arrests. But the lathi-charges are there. They have not started a case against the police; if they had done

so we would have been precluded. As long as they have not done so, there is no reason why the *lathi-charges*, the cavalry charges and all the rest of it should not be discussed in an adjournment motion. Only about the arrests and why they were arrested, we cannot raise them, because they are before the court. But there are those who have not been produced before the court, namely, one member of this House and other important leaders of public opinion. Certainly we can discuss their arrest and subsequent release as it presumably was illegal arrest.

**•Sj. JYOTI BASU:** Sir, with regard to the point of order raised by the Judicial Minister, I would like to point out that he has not even read section 79 of the Parliamentary Handbook at page 48 wherein it is stated: "any member may move a resolution relating to a matter of general public interest". That is, a resolution can be moved with regard to a matter of general public interest. It makes a difference in the case of an adjournment motion wherein it says: "purpose of discussing a definite matter of urgent public importance". It makes a lot of difference if one talks of general public interest and urgent public importance. I think therefore that particular point is ruled out.

Secondly, with regard to the point which has just been mentioned by the Judicial Minister I should think that if you have read the short statement of the subject-matter of the motion, that particular point is not being discussed in this House. That is not the purpose of the motion which is going to be moved by a member on this side of the House.

The main point is that there has been violence perpetrated by the Government yesterday, and that is the point which we would like to discuss. In the discussion if cases which are *sub-judice* are raised, then it is your right and duty to stop such discussion if the point is diverted in that way. That is the only point that arises in this case. Otherwise I think there is no subject which can be discussed on an adjournment motion, because in every such case Government will say: "We have arrested some persons and the case is *sub-judice*". I think that point does not arise. Only if we discuss the arrest of those persons who have been produced before the court, then you can stop us from discussing this particular point. I think the subject-matter cannot be ruled out.

**Mr. SPEAKER:** This is a border line case. When the motion came to me I did consider its wordings, and I felt doubt as to whether this motion should be consented to or not. But after going through the statement of facts and also the motion itself I came to the conclusion that I should not withhold my consent, and I gave my consent. As a matter of fact, I should tell the House that according to the parliamentary practice it is a breach of privilege for any number of persons coming in a riotous, tumultuous or disorderly manner to the House of Legislature in order to hinder either the passing of any Bill or other matters pending before the House or to incite other persons to do so. That is the usual procedure in the House of Commons. In England the House of Commons gives directions to the Commissioner of Police to keep the streets leading to the House free from all obstruction, and by an Act it is enacted that not more than 10 persons shall repair together to the House for the purpose of presenting a petition and not more than fifty persons shall meet together within a distance of one mile from the gate of Westminster Hall for considering a petition or other address to the House. On this analogy, any person flouting any order promulgating such a thing would not only be guilty under the Criminal Procedure Code but also would be guilty of a breach of privilege of the House. But when I read the statement of facts, I found that what was mentioned in the statement is this: "They went to see the Chief Minister

and to present their case before him". Therefore, so far as the statement of facts is concerned, it does not appear either that they were coming in a riotous or disorderly manner or that they were coming to hinder the proceedings of the House. That is so far as the statement goes. Therefore, on that point I came to the conclusion that, so far as that principle is concerned, that does not hit it.

With regard to the next argument that it is a matter of ordinary day-to-day administration, so far as the rules are concerned, they do not prevent an admission of adjournment motion on this ground, but we have always considered that whenever a matter is a matter of day-to-day administration we generally do not discuss it in the House by way of an adjournment motion. In this case, what I find is that it has exercised so much of public imagination that it has resulted in a section of the members of the House walking out of the Assembly. So far as ordinary administrative questions are concerned, I should take it that violation of section 144 is generally a matter of ordinary administration. But in view of the intensity of feelings over this question in the members of the House as well as outside, I take it that this matter comes up a little higher than a question of ordinary administration, and whenever there is any doubt in regard to such questions the Speaker always gives a verdict in favour of the Opposition rather than that of the Government in order to be fair to the House and not to stultify discussion of a grievance.

With regard to the question of *sub-judice*, may I know from the Government as to whether there is a prosecution against any policeman or not, and I will answer that question later.

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** Not that I know of. All the persons arrested have been placed before the Magistrate.

**SJ. SIBNATH BANERJEE:** May I, Sir—

**Mr. SPEAKER:** You need not. I have understood the whole thing. So far as *sub-judice* is concerned, I am informed by the Chief Minister that the persons who have been arrested do not include any police officer.

But what I find in the motion is that the business of the Assembly do now adjourn to discuss a matter of urgent public importance and of recent occurrence, namely, assaults on peaceful refugees including women, by the police. In the circumstances I must confess that, as I have already stated, it is a border-line case and, while the discussion goes on, the members must keep in mind the facts which have been disclosed in the House, but, as I have stated before, so far as this House is concerned, the Speaker gives passivity for ventilation of grievances in cases in which he can stretch a point in favour of the Opposition and I have acted accordingly. I am therefore of this view that I should not rule it out but would point out simply that if the question is *sub-judice* then the debate will have to be controlled in that fashion. Now I ask the House as to whether there is any objection to this adjournment motion being taken up. (Sj. SIBNATH BANERJEE: I would appeal to the Leader of the House not to object to the taking up of the adjournment motion.)

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** I have already voiced my objection to the adjournment motion being taken up, and I again object.

**Mr. SPEAKER:** In view of the objection taken, may I know whether the House gives leave to the sponsor of this motion to move his motion. Now, those who are in favour of giving leave will please rise in their seats.

(Some members rose in their seats.)

According to the rules of the House, 18 members are required but the number of members who have risen is only 15. Therefore the House does not give leave to the sponsor of the motion to move his motion.

We shall now take up the Bengal Motor Vehicles Tax (West Bengal Amendment) Bill, 1951.

### GOVERNMENT BILL.

#### **The Bengal Motor Vehicles Tax (West Bengal Amendment) Bill, 1951.**

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** Sir, I beg leave to introduce the Bengal Motor Vehicles Tax (West Bengal Amendment) Bill, 1951.

(The Secretary then read the short title of the Bill.)

Sir, I beg to move that the Bengal Motor Vehicles Tax (West Bengal Amendment) Bill, 1951, be taken into consideration.

Sir, there is not the slightest doubt that deficiency of roads is one of the main major difficulties of this province. It is not difficult to assign the reasons for it. If any one has seen the chart which was circulated during the Budget Discussion he would have seen that the total amount that used to be spent in the undivided Bengal before partition hardly reached Rs. 75 lakhs a year. The position was that there was no planning so far as road construction in Bengal was concerned. It was in 1946 that a planned scheme for development of roads in Bengal was taken up and the promise was given by the Centre of providing funds to this province for this development work. Unfortunately, that promise could not be adhered to. Therefore the question of finding funds for the roads was a question which had to be taken up by this province of West Bengal. West Bengal is a deltaic province. Many of the roads have not been constructed because the pathways pass through swampy areas and at many places bridges had to be constructed in order to maintain communication. If that were so, so far as the geography was concerned, the condition became almost impossible after the partition. The communication between the lower part of West Bengal and the middle part consisting of Malda and Dinajpur and the connection of these two districts with the topmost districts of Darjeeling, Jalpaiguri and Cooch Behar is practically non-existent. Huge expenditure of money was therefore necessary in order to maintain the ordinary administrative efficiency in this province. If food has to be procured and brought over from different centres, if food has to be taken over to different areas, if cloth is to be distributed in a rationed manner, if medical relief has to be provided to the different parts of the province, if educational facilities have to be spread over in different districts of West Bengal, communication is an essential part of the development scheme and we felt that from the beginning of the separation period roads had to be developed but where is the money to be had. The other difficulty has been that between the East Pakistan and West Bengal there is a border line of nearly 600 miles. The roads of undivided Bengal were mainly running east and west but with the partition of the province it was found necessary to have roads along the border areas not merely to ensure the protection but also to prevent smuggling of goods from one side to the other. Therefore construction of roads along the border began to be more or less a law and order problem. That again made it emergent that we should take up the question of constructing roads but where is the money to come from. We approached the Government of India in the Transport Department, we approached the Government of India in the Defence Department, but with no result or very little result. There was a scheme for constructing some major national highways connecting

lower Bengal sideways with Bihar on the one hand and upwards through Malda and Dinajpur through Purnea district to Darjeeling and Jalpaiguri, but that also has not been taken up yet and, besides, the connection between Malda and Murshidabad is badly interrupted because of the big wide river Ganges between.

When all these defects were before us and it was not possible for us to find money either from our Revenue Account or even by borrowing for the purpose of construction of these new roads, it was found necessary to find some source from which money is to be had for the purpose of construction of roads, even for those who would be affected by increased taxation we are proposing today. The owners of motor vehicles, cabs and trucks would feel, as nobody else would, the need of having good service of roads so that their vehicles can ply without danger and without trouble. Therefore it has been a matter for our investigation for nearly one year and a half to find out whether it is possible to increase our resources which could be earmarked more or less for the purpose of construction of roads. Meanwhile the Government of India appointed a Committee which they called the Motor Vehicles Taxation Enquiry Committee which toured all over India and considered the different points of view of different organisations, the different public bodies, the different owners of vehicles, associations, and so on. Not only that. They investigated into the incidence of taxation of the different types of vehicles in the different provinces of India. I shall give you a few examples. They found that for a light passenger car the West Bengal Government charged Rs. 48, Madras charged Rs. 120, Madhya Pradesh Rs. 100, Bombay Rs. 60, Orissa Rs. 100, Bihar Rs. 75, Uttar Pradesh Rs. 45, East Punjab Rs. 80. For a motor cab taxi—four seater—West Bengal charge Rs. 75, Madras—Rs. 300. Madhya Pradesh—Rs. 96, Bombay—Rs. 120, Orissa—Rs. 130, Bihar—Rs. 163, Uttar Pradesh—Rs. 75, the same as ours, and East Punjab—Rs. 66. For buses—30 seater—we charge Rs. 141, Madras—Rs. 3,600, Madhya Pradesh—Rs. 850, Bombay—Rs. 500, Orissa—Rs. 2,320, Bihar—Rs. 842 and East Punjab—Rs. 290.

That shows that we were not charging enough for our vehicles, and therefore the suggestion was made that we might try the question of increasing the rates of taxation on motor cars, motor cycles, taxis, etc. And the proposal which has been put forward here which has been considered by the Government has been the result of deliberations on this score. If these rates are accepted, we expect to get an increase in the income from these sources of Rs. 147 lakhs. I see here amendments have been proposed as a result of consultation with different persons, which will be discussed before you, which would mean that our additional income, if this new amended form is accepted, would be reduced from Rs. 147 lakhs to Rs. 71 lakhs, nearly less than 50 per cent. It is perfectly true that although service vehicles in towns, particularly in big towns like Calcutta, are able to make money and would not be very much hard hit by this extra taxation, there has been a strong representation from different parts of the districts that in many areas the district vehicles do not get enough passengers and enough income to be able to stand the extra cost. Secondly, it has been suggested that in many places the roads are so bad and also that in certain seasons of the year the roads become almost impassable with the result that the buses have to be laid up for a while, and it may not be possible for the buses to be able to bear this cost.

Sir, there is one point that I want to urge. It is true in certain areas competitive bus services have been allowed with the result that there is dissipation of income between various smaller units. I propose to call a meeting of the Chairmen of all the District Transport Authorities under whom these buses now work and ply, in order to try and find out whether or not

it is possible to rationalise the distribution of buses and in some cases, at any rate, to try and introduce a co-operative system amongst the bus-owners so that the expenditure on supervision and the expenditure on workshops might be divided up in that fashion. There is in this case of bus service as in all other matters of human life an economic unit which can be taken advantage of and the whole thing may be worked in such a way as not to be a burden. In any case this is a matter which will be under the constant watch and attention of the Government, and if by this experimental measure it is found that it is not possible to carry on the bus service in the districts, provisions will have to be made later on for finding a remedy for the same. It is well known that the fare rates in districts are higher than the average fare rate in Calcutta per mile, but the number of passengers that use the buses are naturally very much lower in percentage than the number of those that are available for bus service in Calcutta. In any case the position is this: we have to improve the roads even for the purpose of maintenance and safety of the buses that are owned by different individuals, and even for the purpose of earning better income it is necessary that they should be provided with better roads. It is possible, therefore, that there may be a gap between the time when increased taxation may be found difficult to meet the cost and the time when the roads will be constructed. I have proposed to the Government of India and they have accepted in principle that it is now possible for us to raise a sum of money, say, 5 or 6 crores as loan for the purpose of developing as many roads as possible which could be effectively carried out in course of a year. For this purpose it is necessary that I must set apart a certain sum of money for interest and sinking purpose. It is usual to take 6.6 to 7 per cent. to cover these two items and on the basis of 6 crores as the unit it would mean our setting apart a portion of the 71 lakhs, probably 50 lakhs, for the next 20 years as a charge on the revenues for meeting these expenses. But I am hopeful that the results of construction of new roads will mean so much increase of development of amenities in the province that people who now may grumble for payment of increased taxation will bless the scheme for the purpose of increasing the road facilities in the province of West Bengal.

With these words, Sir, I move for the consideration of this Bill.

**Mr. J. R. WALKER:** Mr. Speaker, Sir, I have listened with great interest to what the Chief Minister has had to say. I have no remarks to make about the general aspects of the Bill. I fully understand the reasons and appreciate the reasons for it being put before us. I only wish to draw attention to one aspect of the Bill in which in my opinion an anomaly has occurred.

Sections B and C of the Schedule to the Bill, namely, the tables of rates referring to passenger-carrying vehicles plying for hire and to transport vehicles, carry provides imposing an additional surcharge of Rs. 800 and Rs. 500 per annum respectively on vehicles of these categories which utilise a fuel other than motor spirit.

Motor spirit is not defined in the Motor Vehicles Tax Act, to which this Bill is an amendment, but if the definition in the Motor Spirit Sales Taxation Act is assumed, vehicles which are powered by diesel engines will be liable for this surcharge.

I appreciate, Sir, that the sales tax on high speed diesel oil utilised in diesel powered vehicles is considerably lower than that on motor spirit and the purpose of this surcharge is presumably to offset the loss in revenue which Government will suffer by the adoption of diesel engines as a means of propulsion in place of petrol engines.



The point I wish to stress is that the imposition of a flat surcharge regardless of the size of the vehicles is inequitable. For example an 8-ton petrol-fuelled lorry will pay tax of roughly Rs. 1,000. A diesel-powered vehicle of similar weight is liable to a tax of Rs. 1,500. The corresponding figures for a 15-cwt. vehicle will be roughly Rs. 150 and Rs. 650. Thus the percentage increase in the first case is 50 per cent. and in the second about 350 per cent.

I suggest, Sir, that some form of scaling of the surcharge for diesel engines is desirable in order that the extra burden of taxation shall be distributed in proportion to the size of the vehicle. The diesel engine is acknowledged to be the propulsive unit of the future. Moreover, the basic cost of the fuel overseas is less than that of motor spirit and the former's increasing popularity will represent a saving in the expenditure of the country's foreign exchange. Every reasonable encouragement should therefore be given to the wider use of diesel engines for the propulsion of road vehicles.

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** Is Mr. Walker objecting to the first proviso?

**Mr. J. R. WALKER:** I am talking about Sections B and C of the Schedule.

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** You are talking of the proviso?

**Mr. J. R. WALKER:** Yes.

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** The first proviso has been omitted in the amendment you will find.

**Dr. SURESH CHANDRA BANERJI:** Sir, I beg to move that the Bengal Motor Vehicles Tax (West Bengal Amendment) Bill, 1951, be circulated for the purpose of eliciting opinion thereon by the 20th of June, 1951.

স্যার, এই বিলটা সম্বন্ধে আমাদের মত বিরূপ। Government-এর আর বাড়ানোর দরকার, সে সম্বন্ধে কোন সন্দেহ নাই; যদিও Government-এর বর্তমানে যে আর আছে সেই আরই Government ঠিকমত পঠনমূলক কাজে ব্যয় করতে পারেন না। এবং পারেন না যে তাও এই ব্যবস্থা পরিষদের বৈঠকে পুনঃপুনঃ দেখান হয়েছে। তবে একথা মনি যে Government-এর প্রয়োজনমত tax বসানোর অধিকার আছে, কিন্তু যে হারে tax বাড়ান হচ্ছে তার কলে আমরা হিসাব করে দেখেছি বাসের প্যাসেঞ্জারদের টিকিট প্রতি একপয়সা করে বেশী দিতে হবে। যখন Government-এর কাছ থেকে এই ধরনের একটা আশ্বাস পাব যে বাসের যাত্রীদের ভাড়া বাড়বে না তখন হয়তো এই বিল সম্বন্ধে আমাদের আপত্তির কারণ থাকবে না। বর্তমানে আমরা দেখছি direct taxation বা indirect taxation যাই বসানো হচ্ছে, তার কলে জনগণের উপরই tax-এর বোঝাটা বেড়ে যাচ্ছে। এই বছর দেখেছি কেন্দ্রীয় Government রেলযাত্রীদের উপর ভাড়া বাড়িয়েছেন, তারপর কেন্দ্রীয় গভর্নমেন্ট আর একটা জিনিষ করেছেন—বিড়ির উপর অত্যধিক ট্যাক্স বাড়িয়েছেন, তার কলে গরীব বামা তাদের এখন বিড়ি বানানো অসম্ভব হয়ে পড়েছে, বিড়ির দাম বেড়ে যাবে; গরীবেরাই বিড়ি খায়, জুডমাং তাদেরই সমর্পিত দিয়ে কষ্ট হবে। আমাদের ধারণা এই, যে ট্যাক্স ধার্য হচ্ছে তার কলে বাসের ভাড়া বাড়বে এবং তা সাধারণ লোকদেরই দিতে হবে আর সঙ্গে সঙ্গে ট্রামের ভাড়া না বাড়ালে ট্রামে ভিড় অত্যন্ত বেশী হবে।

মাননীয় মন্ত্রীস্বর্গপুত্র Statement of Objects and Reasons-এ বলেছেন motor vehicles-এর উপর ট্যাক্স বিভিন্ন রাজ্যে লগান করবার জন্যই এই বিলটি আনা হয়েছে। সার্বভৌম স্বাধীন বুঝি বাহনীর, কিন্তু অন্যান্য বিষয়ও বিবেচনা করতে হবে। 30 seater Bus-এর বেগেতে বর্তমান ট্যাক্স ৫০০ টাকা, আর

আমাদের এখানে ১৪১ টাকা, কিন্তু যোগে ও পশ্চিম বঙ্গের এই উত্তর রাজ্যে এই tax বাড়িয়ে করা হবে ২ হাজার ২ শত ৮০ টাকা। সুতরাং আমাদের বাড়বে ১৬ গুণ, আর যোগেতে বাড়বে যাত্র ৫১০ গুণ। আমাদের ১৬ গুণ বাড়বে—একবারে এত অধিক বাড়ানো মুক্তিলাভ ব'লে আমরা মনে করি না।

বাসের যাত্রীর ভাড়া কেন বাড়বে, এই আশঙ্কার কারণ কি আমি সংক্ষেপে বলছি। বর্তমানে 24-seater বাসের ট্যাক্স হচ্ছে এখানে ১২০ টাকা, কিন্তু এই বিল যদি কাজে পরিণত হয় তবে 24-seater বাসের ট্যাক্স হবে ১,৮৮০ টাকা অর্থাৎ ১৬ গুণ বেড়ে যাবে। দ্বিতীয়তঃ, ৩২-seater বাসের ট্যাক্স আছে ১৪০ টাকা, কিন্তু এখন যে ট্যাক্স করা হচ্ছে সে অনুসারে যদি আসার হয় তাহলে বেড়ে হবে ২,৪০০ টাকা, অর্থাৎ ১৬ গুণ। এতটা ট্যাক্স বাড়ানোর কল কি হ'তে পারে? বক:বলে অনেক গরীব লোক বাস চালায়। তাদের পক্ষে বাস চালানো শক্ত হয়ে পড়বে। Dr. Roy কিন্তু যুক্তি দিয়েছেন যে, পশ্চিম বঙ্গের রাজ্য ধারণ, এই ট্যাক্সের টাকার দ্বারা ভাল করলে বাস চলবার সুবিধা হবে। কীধির রাজ্য ধারণ করে সেখানে বৎসরে পুর ৬ মাস বাস ভাল রকম চলতে পারে না। Tax বুঝ বেণী নয় বলে অনেক কষ্টে তারা bus চালান বন্ধায় রেখেছে। কথাটা হচ্ছে এই, আগে যদি রাজ্যটা ভাল করা যায় তাহ'লে না হয় taxটা বাড়ান চলে; আর তা না করে যদি tax আগে বাড়ান যায় তাহ'লে বাসই আর চলবে না। সেই জন্য আমাদের কথা হচ্ছে এই যে, আগে রাজ্য ভাল করা যোক এবং বিভিন্ন রাজ্য দিয়ে বাস ভালভাবে চলতে শুরু করুক। বাস যখন সহজে চলতে পারবে তখন না হয় tax বাড়ান। বক:বলের অনেক গরীব লোক বাসফট বন্ধ হলে চলাকের করতে পারবে না—এই কারণে প্রধান মহানিহাশকে আমি অনুরোধ করছি তিনি স্পষ্ট করে বলে দিন এই ট্যাক্স বাড়ানোর কল বাসের যাত্রীদের ভাড়া বাড়ানো যাবে না, যত tax তা মালিকদেরই দিতে হবে। রাজ্য বাস চালায় তাদের সঙ্গে বিশেষ conference করে বিচার করে দেখুন। আমাদের দেশে tax কম বলে অন্যান্য দেশের তুলনায় বাসের ভাড়াও কম। কিন্তু অন্যান্য দেশের তুলনায় আমাদের এখানকার রাজ্য ধারণ। একারণে অন্যান্য রাজ্যের সঙ্গে সঙ্গতি রাখার জন্য আমাদের এখানে ট্যাক্স হঠাৎ অনেক অধিক বাড়ানো ঠিক হবে না। যদি ট্যাক্স এতবে বাড়ানো হয়, তবে অনেক বাস হয়তো বন্ধ হবে, যাত্রীদের ভাড়া বাড়ারও আশঙ্কা আছে।

**8J. CHARU CHANDRA BHANDARI:** মাননীয় শ্রীকার মহাশয়, এই যে বিল আনা হচ্ছে এর উদ্দেশ্য দুটি; একটি হচ্ছে এই যে বিভিন্ন State-এর মধ্যে যে Motor Vehicles Tax আছে তার মধ্যে uniformity না থাকলে অসুবিধা হয়, অতএব একটা uniformity of tax করার জন্য, আর দ্বিতীয় financial ground হচ্ছে road development fund দ্বারা টাকা বৃদ্ধি করার জন্য। পূর্বে যে committee-র কথা মুখ্যমন্ত্রী মহাশয় উল্লেখ করেছেন সেই Motor Vehicles Taxation Enquiry Committee তার মধ্যে আমরা দেখতে পাচ্ছি যে—States Motor Vehicles Tax should ultimately be the same in all States—সেটাও সেবলার কিছু কথা হচ্ছে হঠাৎ একেবারে at once at a stretch যে uniform করে দিতে হবে এটা কোথাও নাই। আমরা এটা agree করি বিভিন্ন State-এর মধ্যে বর্তমান Motor Vehicles Tax থাকবে সেটা অনেক রকম না হয়ে একই থাকা উচিত। বর্তমানে এ সম্বন্ধে অনেক পার্থক্য আছে তাতে সন্দেহ নাই।

বিভিন্ন State-এর মধ্যে যে Motor Vehicles Tax থাকবে তা অনেক কারণে সমান হওয়া উচিত। এখন এর মধ্যে যে অনেক পার্থক্য আছে সে বিষয়ে কোন সন্দেহ নাই। কিন্তু আমাদের taxation proposal দু'টি বিষয় দেখতে হবে। একটা হচ্ছে কোন প্রথা কম থাক বেনী থাক, হাই থাক, প্রথা যেন এমন না হয়, যে at a stretch বহু গুণ না হয়। এমন হতে পারে কোন একটি জায়গায় ৫০ টাকা tax আছে কিন্তু equity-র দিক থেকে যদি করা যায়, যদি সেই tax ৫০ টাকা করা হয়, তাহলে একটা নীতি গ্রহণ করা উচিত যাতে একেবারে ৫০ টাকা না হয়। হঠাৎ বেড়ে গেলে তার repercussion ধারণ হবে।

দ্বিতীয়তঃ কোন tax proposal আমাদের কাছে এলে, আমাদের পূর্বদেই দেখা উচিত যে tax-এর incidence কোথায় আছে। অতএব আমাদের analysis করে দেখা দরকার “এই যে taxation proposal হচ্ছে—motor cycle এবং private motor ছাড়া bus ছাড়া করা হয়। Bus-এর কথা ডাঃ হুয়েলস্টন ব্যানার্জি বলে গেছেন। Tax বেনী হওয়ায় যে প্রভাব এটা করছেন, তাতে দেখা যাচ্ছে বাংলা দেশে এখন যে tax আছে—bus-এর উপর যে original প্রভাব তা যদি পায় হয় তাহলে 1,600 per cent.

অর্থাৎ ১৬ গুণ tax বাড়বে। বর্তা inequty থাক at one stretch ১৬ গুণ tax বাড়ান এদিক থেকে এটা সর্বাঙ্গীন নয়। আমরা দেখতেও পাচ্ছি সরকার পক্ষ থেকে বোধ হয় এ বিষয়ে, গুরুত্ব বিবেচনা করে, এটা যে unreasonable এটা চিন্তা করে—তারা একটা amendment, একটা সংশোধনী প্রস্তাব এনেছেন। তাতে দেখতে পাচ্ছি—সেটা 16 times না হয়ে কমিয়ে প্রায় অর্ধেক করা হয়েছে। তা থেকে আমরা দেখতে পাই—৮ গুণ আছে, অর্থাৎ calculate করলে fourteen-seater busএ পূর্বে যে tax দেওয়া হ'ত ৯৩ টাকা, original proposal যা আছে তাতে দেখতে পাই ১,০৮০ টাকা হবে। সরকার পক্ষের প্রস্তাব গৃহীত হলে—ধরে নিচ্ছি গৃহীত হবে—৬৪০ টাকা হবে। ৭ বকম 24-seater bus ১২৩ টাকা ছিল, original প্রস্তাবে যেটা হতো ১,৮৮০ টাকা হবে ১,০৪০ টাকা। ঠিক এই অনুপাতে অন্যান্যগুলিও হবে। ১৬ গুণের কথা ছিল—৮ গুণ করতে চাচ্ছেন এই ৮ গুণ tax করা at one stretch সর্বাঙ্গীন নয়।

বিত্তীয়ত: আমাদের দেখতে হবে এর incidence কোথায় যাবে। এটা ঠিক কথা যে busএর কোন ভাড়া বাড়ান—সরকার ভাড়া বাড়িয়েও দিতে বা নাও বাড়তে পারেন—ভা: রায় assurance নিয়েছেন ভাড়া বাড়ান হবে না কিন্তু তাতে কোন legal guarantee থাকে না। এই বিল আনয়ন করার কোন প্রয়োজন আমি দেখতে পাচ্ছি না। কারণ গতকলা একটা Bill পাশ করেছেন সেটা হচ্ছে Motor Vehicles Amendment Bill, সে বিলের উদ্দেশ্য হচ্ছে যাতে nationalisation হয়, bus এবং Motor Vehicles Transport এবং সেজন্য এমন সব ক্ষমতা হাতে নিয়েছেন যারারা সে জিনিষটা করা দরকার। হয় তারা বলুন যে এই scheme তাদের হাতে নাই। কারণ সেই বিলে যে বিধান আছে তাতে আছে, সে বিল কার্যকরী হবে পাশ করার সঙ্গে সঙ্গে। তাতে আমরা ধরে নিতে পারি তাদের মনের মধ্যে এত urgency আছে—in the case of scheme for nationalisation সেটা যাতে পাকা হয়। অতএব সেটা হবে বিধান আছে কিন্তু করেনি। Government-এর nationalisation scheme বন্ধন পাকা হবে সেই সময় এই আইন কার্যকরী কববে তাহলে এটা presume করতে পারি যে nationalisation scheme তাদের contemplationএ আছে, সেটা অনতিবিলম্বে হতে যাচ্ছে যদি তা হয়, কর্মদিনের মধ্যে bus লবী ভাড়া ৮ গুণ, ১৬ গুণ কবে বাড়ারাব কি দরকার আছে। যদি কোন কুলোকে বলে nationalisation scheme তার মাধ্যম আছে, আগে থাকতে busএর ভাড়া বাড়ান হচ্ছে। কুমতলব তাদের থাকতে পারে অনেক একপ সল্হ যদি করে সেটা খুব unreasonable সল্হ হবে না। হুতরাং সেই Bill আগে পাশ করে নিয়ে এ বিলের কোন প্রয়োজন ছিল না অথবা কোন প্রয়োজনীয়তা নাই। সরকার পক্ষ থেকে এই আশ্বাস দিন Motor Vehicles Actএ যে provision আছে সে provision ব্যবহার করবেন না যদি tax বাড়ে। দ্বিতীয় কথা হচ্ছে লবী সম্পর্কে। লবী সম্পর্কে কোন বাধ্যবাধকতা নাই যা bus সম্পর্কে আছে। যদি সেখানে লবীর tax কোন কিছু বাড়ে সঙ্গে সঙ্গে সে tax-এর ফল হবে—যে সমস্ত মাল বহন করা হবে তার ভাড়া বাড়বে। এমনি তো জিনিষপত্রের দাম উত্তরোত্তর বেড়ে যাচ্ছে দিনের পর দিন, জনসাধারণ যারা গ্রাহ্যে, মফঃস্বলে থাকে সেখানে জনসাধারণের যে সমস্ত অত্যাবশ্যক জিনিষ তার দাম বেড়ে যাচ্ছে। মাননীয় স্পীকার মহাশয় ও মাননীয় সদস্যেরা জানেন—tax যেখানে এক পয়সা বাড়ে সঙ্গে সঙ্গে জিনিষের দাম ৪ গুণ বেড়ে যায়। লোভ তার এগিয়েই চলে। বিভিন্ন bundle এক পয়সা বেড়ে যাওয়াতে বিভিন্ন দাম ৪ পয়সা বেড়ে গিয়েছে। সে বকম যেখানে লবীর tax বাড়লে তাহলে লবীতে যে সমস্ত মাল বহন করা হয় লবীতে তার দাম বেড়ে যাবে। হুতরাং আমি লবীর কোন absolutely ভাড়া বাড়ানোর বিরোধিতা করছি। এবং bus সম্পর্কে আমার মতব্য হচ্ছে যে busএর tax uniformএ আনবার জন্য কিছা সরকারের আয় fund বৃদ্ধি করার জন্য কোন tax at a stretch ৮ গুণের মত বাড়ান সর্বাঙ্গীন নয়। অতএব সরকার পক্ষ থেকে assurance দিন যে busএর tax বাড়লে কোনরকমেই যাত্রীর ভাড়া না বাড়ি। একটা কথা উত্তরের সময় Government হয়ত বলবেন—বাংলা দেশে busএর যে ভাড়া আছে অন্য প্রদেশ থেকে তা কম কিন্তু আমি বলবো অন্য দেশে busএ এমন গুতোগুতি করতে হয় না এবং গায়ে বেদনাও হয় না। বোম্বাই শহরে ভাড়া একটু বেশী হতে পারে—first mile ১২ পাই (১) কিন্তু এখানকার মতো সেখানে গায়ে লাগা হয় না কাপড়ও ছিড়ে না আর ছড়োছড়ি হয় না। এখানে যেমন পেটে খেয়ে কম ভাড়া সেই পিটে আমরা সেটা সয়ে নিই কিন্তু বোম্বাইয়ে তা হয় না। হুতরাং প্রতিশ্রুতি দিন যে বাংলার busএর ভাড়া বাড়বে না। এবং busএর ভাড়া যদি বৃদ্ধি হয়, তাহলে at one stretch এত বেশি ভাড়া বৃদ্ধি করা সর্বাঙ্গীন হয় না। কোন জায়গায় বাড়ী ভাড়া বাড়ান হলে সাধারণত: দেখা যায় 10 per cent., 20 per cent.

বা 15 per cent. বাড়ি কিন্তু এত বেশী বাড়ান 100 per cent বা 800 per cent. বাড়ান নবীচীন হবে না। স্বতরাং অনুরোধ করবো এই Billটা withdraw করে একটা ভাল Bill আনুন। Private Motor Car-এর ভাড়া tax ২০ গুণ করুন আপত্তি নাই কিন্তু লরী বা bus-এর বাড়াবেল না।

**8j. PRAMATHA NATH BANDYOPADHYAY :** মাননীয় Deputy Speaker মহাশয়, এই bus ও লরীর ভাড়া বাড়ান ও tax সম্পর্কে যে বিল এনেছেন—সেই tax অবশ্য এটা ঠিক অন্যান্য পুদেশের সমান মানে আনবার জন্য Government কর্তৃক বাংলা দেশেও এই tax বাড়ান দরকার, এটা মনে হতে পারে। এই bus সম্পর্কে আমাদের কিছু অভিজ্ঞতা আছে। অন্যান্য পুদেশের রাজ্যবাট এবং বাংলা দেশের রাজ্যবাট কি বকম—তা আমার জ্ঞান আছে। বাংলা দেশের রাজ্যবাটের যে অবস্থা তাতে bus চালিয়ে কোন bus companyর লাভ হচ্ছে বলে আমার জ্ঞান নাই। কাঁধির দু'টো bus companyর সঙ্গে আমি এবং মাননীয় Jawar Mall মহাশয় জড়িত আছি। এবং সেই companyগুলিতে কি লাভ-লোকশান হচ্ছে তা আমরা কিছু কিছু জানি। এই পর্যন্ত বলতে পারি এই দু'টো companyর কোন লাভ হয় না। শতকরা 1 per cent. 2 per cent. এর মত dividend দিতে পাচ্ছে না। সর্ব্বদাই মনে হচ্ছে এই গেল বুঝি—company আর টিকে না। কারণ সমস্ত জিনিষের দাম এত বেড়ে গেছে যে কোন লোকের পক্ষে bus চালিয়ে মকঃম্বলতে, লাভ করা অসম্ভব। রাজ্যবাট এত খারাপ দু'দিন মাসে যে tyre, tube, spring এবং অন্যান্য parts এত নষ্ট হয় এবং তার দাম এত বেড়েছে যে সে দামে কোন bus-এর লাভ করা যেতে পারে না। যে tyre ২৫০ টাকা ছিল তা এখন ৪৫০ টাকায় উঠেছে। যে spring ১৮ টাকা ছিল তা ৮০ টাকা হয়েছে। যে সমস্ত parts ১১২/১৪ টাকা ছিল তার দাম ১০১/১৫/২৫ টাকার কবে পাওয়া যায়—না—এবং সেটাও পাওয়া যায় না। এত বেশী দামে parts কিনে tyre প্রভৃতি বরাদ্দ করে কোন bus বা লরী লাভ করতে পারে না। সামান্য একটা উপহারণ দিচ্ছি। আজকাল যে সমস্ত লরী চলছে, মাল বহন করবার জন্য হিসাব করে দেখা গিয়েছে তাতে ৬টা tyre ও tube ব্যবহার করতে হয় তাব দাম হচ্ছে ১,০০০ টাকা (?) এবং এই ৬টা tyre, tube ৩৪ মাসের বেশী টিকে না—নষ্ট হয়ে যায়। কাজেই শুধু tyre, এবং tube-এর জন্য বছরে দরকার হয় ৯,০০০ টাকা। তাছাড়া পেট্রোল mobil oil আছে। Petrol এক গ্যালন ১১/১০ আগে ছিল, এখন ২১/০ টাকা কেনা হচ্ছে। সে রকম mobil oil কেনা হচ্ছে ৭১/০ টাকায় এক টিন। এই অবস্থায় bus বা passanger carry করছে বা লরী যে rate এ earn করছে তাতে কোনই লাভ হয় না। এই যখন অবস্থা, তখন কেন লরী যে বর্তমান rate তাকে আরও বাড়ান হচ্ছে। আমি জানি বহু দাম passanger carry করছে কিন্তু তাদের লাভ practically হয় না বললেও অত্যুক্তি হয় না। কাজেই এই রকম একটা ভাড়া বাড়ালে আমার মনে হয় সকলের মনেই একটা আশঙ্কার ভাব দেখাও দেবে। কারণ, সেদিন আমার কাছে সেখানে ট্রান্সবাস্‌ও উপস্থিত ছিলেন, কাঁধির যে সমস্ত bus-owner আছেন তাঁরা সবাই এসেছিলেন এবং আমার জানান যে তাঁরা সবই চিন্তিত হয়ে পড়েছেন যে যদি এই রকমভাবে tax বাড়ান হয়।

আমি বলি যে tax ১৬ গুণ করা হয়েছে তাকে ৮ গুণ করা হোক এবং এতে একটা parity রাখা হোক, ক্রমে ক্রমে gradually বাড়ান হোক। কারণ এক বছরে যে tax আদায় হবে তাই রাজ্য সরকারে সমস্ত খরচ করতে পারবেন বলে আমার মনে হয় না। কারণ ইতিপূর্বে দেবেটি, যত টাকা sanction হয় তাই খরচ করতে পারেন না। (The Hon'ble BIMAL CHANDRA SINHA : Supplementary estimate কাঁধির জন্য বেশী টাকা ধরা হয়েছে।) মাননীয় মহী বিমলচন্দ্র সিংহ মহাশয় এবিষয় ভালভাবেই জানেন। তবে আমি বলতে চাই যে এই tax ক্রমে ক্রমে বাড়ালে ভাল হয়—প্রথম বছর কিছু, দ্বিতীয় বছর আর একটু, তার পরের বছর আরও কিছু বাড়ান হ'ল, এই রকমভাবে gradually বাড়ান হোক।

State Transport-এর জন্য আইনের প্রয়োজন হতে পারে, কিন্তু তাই বলে এই যে এত tax বাড়ান হয়েছে, এতে কোন private company বাস চালাবেন বলে আমি মনে করি না। কাজেই সমস্ত bus serviceকে State Transport-এ বেছেই হবে, এবং এর ফল কি হবে সেটা চিন্তা করবার বিষয়।

সুতরাং আমার প্রভাব হচ্ছে, এটাকে gradually করা হোক—প্রথম বছর, চারগুণ, দ্বিতীয় বছরে তার অর্ধেক এবং চার বছরে এটাকে parityতে আনতে পারবেন।

লরীর ট্যাক্স সম্বন্ধে আমি পূর্বেই বলেছি, আমার মতে এই ট্যাক্স অত্যন্ত কম করা উচিত।

**8j. KANAI LAL DE :** সহ-সভাপাল মহাশয়, আমি Motor Transport সম্বন্ধে দু'একটা কথা বলব। সরকার এই বিল উপাধন করার আশা আনতে পারছি যে শীঘ্রই তাঁরা বাংলা দেশে যে Motor Transport চলছে তাকে জাতীয়করণ করার অভিপ্রায় করেছেন। আমি পূর্বে বলতে চাই যে এই জাতীয়করণ কথা উপাধিত হলেই আমাদের মনে কিছু আশঙ্কার সঞ্চার হয়। আমরা State Transportএর ইতিহাস যা জানতে পেরেছি এবং এই নিয়ে করেকদিন পূর্বে যে আলোচনা করেছি তাতে দেখা গিয়েছে যে কলিকাতা সহরের শীমাবদ্ধ ক্ষেত্রের মধ্যে বাস চালিয়ে, বহু টাকা মূলধন নিয়োগ করেও তারা লাভ প্রায় কিছুই করতে পারেন নাই। তারপর বাংলা দেশের বিভিন্ন স্থানে যে সকল বাস গাড়ি আছে সেই সবগুলি যদি জাতীয়করণ হয়, তাহলে লাভ ত হবেই না, উপরন্তু যে লোকসান হবে তার কল, বাংলা দেশের রাজস্ব যে কত বাট্টি বাড়বে সে বিষয়ে আমাদের আশঙ্কিত হবার যথেষ্ট কারণ রয়েছে।

আর একটা কথা যা চারুবানু উল্লেখ করেছেন, যে লরীর উপর tax হঠাৎ এই রকমভাবে বাড়লে, নিত্য-প্রয়োজনীয় দ্রব্যের মূল্যও বৃদ্ধি হতে পারে, কারণ আজকাল জনসাধারণের জীবনযাত্রার বহু জিনিষ লরীতে করে করা হয়। প্রত্যেক ক্ষেত্রে যে Regional Transport Authority আছে তাঁরা বাসবহন যাত্রীর ভাড়া কিছুটা নিয়ন্ত্রণ করেন। কিন্তু লরী করে যেখানে মাল বহন করা হয়, তার ভাড়া তাঁরা নিয়ন্ত্রণ করেন না। লরীর মালিকরা যাদের মাল বহন করে তাদের সঙ্গে কথাবার্তা করে ভাড়া ঠিক করে। সুতরাং আজকে যদি ৮ গুণ tax বাড়ান হয় তাহলে মাল বহনের ভাড়াও বেড়ে যাবে এবং তার ফলে জনসাধারণের নিত্যপ্রয়োজনীয় অত্যাবশ্যক জিনিষপত্রের মূল্যও চের বেশী বেড়ে যাবে। সুতরাং আমি মনে করি হঠাৎ এতগুণ tax বৃদ্ধি না করে যতটা রয়স্ব সেই রকম করা উচিত। যাতে জনসাধারণের উপর চাপ না পড়ে, এবং যে সমস্ত লোক lorry, bus, taxiর ব্যবসা করছেন, তাঁরা যাতে বৃষ্টিচ্যুত না হয়ে যায় তার প্রতিও দৃষ্টি রাখা দরকার।

তারপরে nationalisation সম্বন্ধে দু'একটা কথা বলে আমার বক্তব্য শেষ করছি। কলিকাতায় সরকারী পরিবহন বিভাগের যে দু'নীতি ও আশ্রিত পোষনের কাহিনী উদ্ঘাটিত হয়েছে তাই দেখে দুঃখের সঙ্গে বলতে হচ্ছে সরকার অনেক ভাল করেছেন আর বেশী ভাল করে কাজ নেই। তাই সাধক কবির কথার মিলি “চের ভাল করেছ মা, আর ভালর কাজ নেই, এখন ভালয় ভালয় বিশার পাও মা, আলোর আলোর চলে যাই”। এই মন্ত্রিসভার কুশাসনের ফলে বাংলা দেশের লোক আজ ত্রাহি ত্রাহি ডাক ছাড়াইছে। সেড় কোটা টাকা খরচ করে আপনাকা Transportএ যে কৃতিত্বের পরিচয় দিয়েছেন সেই যথেষ্ট; এখন আর সমস্ত বাংলা দেশের Bus Transport Servicesলিকে nationalisation করে কাজ নেই।

(The House was then adjourned for fifteen minutes.)

(After adjournment.)

**8j. SHEO KUMAR RAI:** Sabha Pal Mahodai, main Motor Vehicles Tax ke barey men do, char bat kahne ke liey khara hua hoon. Main pahley apney sarkar ko, yeh rashtkaran kerney ka jo khayal hai, yeh bohot achi niti hai, is ke liey main bhi badhaie deta hoon, parantu main yeh kahna chahta hoon, yeh hona chaheay, yeh rashtkaran hona chahiey, yeh nationalisation hona chaheay, per yeh hona chaheay ahesta ahesta. Jab ham log ek he bar isko ker lengey to bohot mushibat ajaigi aur bohot golmal hosakta hai. Isley yeh sarkar jo naya tax laga rahi hai, hamko aisa maloom hota hai ke is tax sey bohot hi difficulty hone wali hai, keonke pahla jo tax tha usmen kisi kisi case men 80 per cent., 90 per cent. aur 100 per cent. tak tax barh gaya hai. Hamarey zila men jo chotey chotey motor doortey hain aur us motor per jo tax tha, ke 8 admi ke liey bus per Rs. 84 tax tha, ab dekhtey hain ke wah Rs. 600 ker diya gaya hai. Isi taraf sey sub tax barha diya gaya hai, jo Rs. 300 tha wah kam sey kam Rs. 600 barha diya jata

hai. Is sey serf motor walon ko takleef naheen hai parantu is sey ghareeb jantaon per bohot ziada hani horahi hai. Keonke jo plain men jo per mile fare hai, hills men is sey kuch difference hai, hills men 2 annas, 4 annas, 5 annas kam sey kam per mile barh jata hai. Ager is tarh tax barha diya jai to fare bhi proportionately barh jaiga aur wah ghareeb jantaon per jeh tax lada jaiga. Main chahta hoon ke ghareeb jantaon per yeh tax lada na jai, keonke jeh tax indirectly passengeron per barh raha hai. Darjeeling disaster ke bad wah ek per kar ka deserted city hogiya hai. babesta naheen hai. Isley bohot kam admi wahan jatey hain, pahley bohot Darjeeling ka business visitoron per depend kerta tha, ab dekhtey hain ke bohot hi kam visitors wahan jatey hain. Communication ka bhi acha habesta naheen hai. Isley bohot kam admi wahan jatey hain, pahley bohot thorey ghanton men Siliguri sey Darjeeling jatey they, ab bohot ziada wakt lag jata hai. Hawaie jahaz sey bhi wahan naheen jaya jata hai, is ley Darjeeling bohot hi nazeek abastha men hai. Tax dena ka sakti jo hai wah business per hai, aur abhi to business men roz roz ziada khata barh raha hai, wah kaisey deq saktey hain. Ap jakar dekheay ke wahan ka business kaisa dull hogiya hai, samucha perbat ek damdull hogiya hai. Iswak to visitor wahan jatey hain wah sankhia men bohot kam hain, pahley do mahina men 600 sey ziada visitor ho jatey they aur ab 40 admi sey ziada naheen hotey hain. Isi tarah sey business bilkul dull hogiya hai. Motor-waley bus naheen chala saktey hain unka hani hota hai aur wahan jo janta hai uski abastha achi naheen hi. Agr Kalimpong ka jo rasta hai wah band hojai, jaisa suna jata hai ke kendera sarker wah rail line chore degi to wahan sey serf motor ghary sey ana jana hoga. Isley yeh jo tax horaha hai, is sey motor fare bhi proportionately barh jaiga, to bohot hi kam admi idhar udhar ja sakengey. Is sey bohot hani hogi. Main ney dekha ke jo amendment hua hai is sey do, teen sao rupee reduce hogiya hai. Jo 8 seater per 600 tha ab 400 rupee ker dia gaya hai, pertek seat per 40 rupee ke hesab sey laka diya gaya hai. Yeh reduction plain ke motor walon ko nafa dega keonke hamarey hills men jo motor hain yeh serf 4 sey 10 seater tak hain, is ley jo basic tax tha wah hata diya na jai, tab tak hill walon ko yeh amendment nafa naheen pohunch sakta hai.

Iska ek aur result hosakta hai, Calcutta men bus bohot kam hai aur tram bhi kafi sankhia men Calcutta men naheen chal rahi hai. Yeh tax is tarah sey barh jaiga to bus waley bhi fare barha dengey aur jab bus ka fare barh jaiga to log tram per ana jana karengey. Tram aur bus men competition hoga aur tram men ziada bhir hoga aur is sey janta ko bohot takleef hogi. Jab tak tram aur bus ka fare ek na hojai tab tak sarker ko yeh tax lagu raheen kerna chaheay.

Mera Pardhan Mantri sey appeal hai ke wah Hills men, Parbat ke elakon ka consideration karen aur wahan yeh tax lagu na karen.

Pahley bhi hills per consideration kiya jata tha, jo bidhan banta tha wah Darjeeling per naheen lagaya jata tha. Darjeeling ka ek peculiarity hai. Is ley mera appeal hai ke North Bengal aur Darjeeling men keh tax bohot kam ker diya jai.

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** Sir, there has been a motion before the House for circulation of the Bill. I do not know what purpose can be served by circulation of the Bill. There seem to be three objections that have been put forward by the members who have moved and supported the circulation of the Bill. The first objection is "why do you put the tax now? First of all, make the roads and then ask for the increased tax. Then there will be no difficulty". I do not know where to get Aladin's Lamp by which I can first of all make the roads better and then ask for a tax. It is a sort of a circle; you go round and round that

particular circle. It is a method of approach which does not appeal to me. My friend Dr. Banerji had been to Denmark and Sweden and, I believe, he was very enamoured of the social service that is being done in those States. I was surprised to see a most magnificent hospital built and constructed in Stockholm. What I learnt was that the total amount of expenditure of that hospital a year was over a crore and a half. I was wondering how the municipality could afford to pay to keep up an establishment of that type. Then I was told that every person in the Corporation, every resident in the Corporation who has an income of Rs. 100 besides paying the municipal tax has to pay income-tax of 8 per cent. on his income to the Corporation, apart from the income-tax that is leviable by the State, with the result that every resident in that area has to pay nearly 14 or 13½ annas in a rupee for the purpose of getting all the services that are to be had from the Corporation. Of course it may be argued, as it has been argued: what is the good of giving such an increased amount of money to these people, because they have already misspent money and, as Dr. Banerji has said, what is the good of giving them again. That is a point which I do not want to argue or even object to. What he has said may be all right in his opinion. I have got my own opinion. But the point is that if the roads are to be improved, the appliances are to be purchased, the people are to be employed, money has to be spent and I feel that the question of roads must have the first precedence. Then the question arises "should not the people know what they are going to have, that is to say, what tax they have to pay"? In this connection I may point out the figures that have been given by my friends here. If they had only taken note of the amendments, they would not have fallen into errors. For instance, they have stated that for a 30-seater State bus the charge has been increased from Rs. 141 to Rs. 2,400. That was so; but the amendment would show that the actual payment to be made for a State bus of 30-seater will be Rs. 1,240 which is really 8 times the present figure. Similarly for a public goods carrier of 3 tons for which you have to pay Rs. 150 now, you will have to pay Rs. 455 which is really three times the amount that is being paid now. Therefore, they have based their arguments on insufficient premises. The point is—of course I do not choose to argue as Mr. Kanai Lal De has argued "you fellows, get out of the office; why do you bother; it shows inefficiency; why do you want more money"; of course there is no argument beyond that—and my feeling is that if we need roads for development purpose, we need also money for that purpose, and this is the only way in which the money can be utilised and it is, as my friend Mr. Sheo Kumar Rai has said, one of the methods of direct taxation. The people who use the roads will be the people who will be called upon to pay tax.

The third argument that has been made is that we should not allow this to go through unless Government guarantee that fares would not be increased. Sir, under the present rules the increase of fare is subject to the approval of the Regional Transport Authority although Government has the right to lay down the maximum and the minimum. And it is possible that in this matter there may be variations so far as different areas are concerned as regards the maximum and the minimum to be allotted, but there is nothing that I have heard up till now which makes me think that this measure will get a better deal if we send it round to the public for criticism. Sir, it is a well-known thing that when slavery was abolished in America, the people who most objected to the liberation of the slaves were the slaves themselves. It is one of the fundamental facts in the psychology of human beings that when they are in a particular predicament, they are not able to see things from a detached point of view. Therefore, I do not see any reason why we should circulate this Bill for public opinion. Therefore I oppose it.

The motion of Dr. Suresh Chandra Banerji that the Bengal Motor Vehicles Tax (West Bengal Amendment) Bill, 1951, be circulated for the purpose of eliciting opinion thereon by the 20th of June, 1951, was then put and lost.

The motion of the Hon'ble Dr. Bidhan Chandra Roy that the Bengal Motor Vehicles Tax (West Bengal Amendment) Bill, 1951, be taken into consideration was then put and agreed to.

*Clause 1.*

**8J. SUSIL KUMAR BANERJEE:** Sir, with your permission I beg to move that for clause 1(2) the following be substituted, namely:-

It shall come into force on such date as the State Government may by notification in the official gazette appoint.

The motion was then put and agreed to.

The question that clause 1, as amended, do stand part of the Bill was then put and agreed to.

*Clause 2.*

The question that Clause 2 do stand part of the Bill was then put and agreed to.

*Clause 3—The Schedule.*

**8J. CHARU CHANDRA BHANDARI:** Sir, I beg to move that in clause 3, Schedule B, item 1(a), second column, line 1, for the figure "600" the figure "200" be substituted.

I also beg to move that in clause 3, Schedule B, item 1(a), second column, line 2, for the figure "80" the figure "30" be substituted.

I further beg to move that in clause 3, Schedule B, item 1(b), line 1, for the figure "2,100" the figure "770" be substituted.

I then beg to move that in clause 3, Schedule B, item 1(b), line 2, for the figure "60" the figure "20" be substituted.

I also beg to move that in clause 3, Schedule B, item 1(c), line 1, for the figure "2,440" the figure "890" be substituted.

**Mr. SPEAKER:** Mr. Bhandari, you can move No. 7, but Nos. 8 and 9 are out of order. You have said "for the figure after the word 'Rs.'" wherever it occurs, the "figure indicating one-half of the number be substituted". This is not permissible. You must put the figures. You can move No. 7.

**8J. CHARU CHANDRA BHANDARI:** Sir, I beg to move that in clause 3, Schedule B, item 1(c), line 2, for the figure "40" the figure "15" be substituted.



**9]. SUSIL KUMAR BANERJEE:** I beg to move that for the Schedule in clause 3, the following be substituted, namely:—

**"THE SCHEDULE.**

(See section 4.)

**Description of Motor Vehicles and Rate of Tax.**

*A.—Vehicles for carrying passengers not plying for hire.*

	Rate of tax payable for the year. Rs.
(1) Motor cycles .. ..	18
(2) Motor cycle combinations .. ..	24
(3) Motor cars .. ..	12 for every 500 lbs. unladen weight or part thereof up to 2,500 lbs. <i>plus</i> Rs. 20 for every additional 500 lbs. unladen weight or part thereof, above 2,500 lbs.

*B.—Vehicles for carrying passengers plying for hire.*

	Rate of tax payable for the year Rs.
(1) Buses (Stage carriages) seating exclusive of the driver and the conductor,—	
(a) not less than 8 persons and not more than 26 persons.	400 for 8 persons <i>plus</i> Rs. 40 for every additional person beyond 8 and up to 26.
(b) not less than 27 persons and not more than 32 persons.	1,150 for 27 persons <i>plus</i> Rs. 30 for every additional person beyond 27 and up to 32.
(c) 33 persons or more .. ..	1,320 for 33 persons <i>plus</i> Rs. 20 for every additional person beyond 33:

Provided that if a bus is fitted with solid tyres, there shall be a surcharge *per annum* of 25 *per cent.* of the amount payable under clause (a) or clause (b) or clause (c) above, as the case may be, for such bus.

	Rate of tax payable for the year. Rs.
(2) Vehicles other than buses, seating exclusive of the driver and the conductor,—	
(a) not more than 4 persons—	
(i) 3-wheelers .. ..	150
4-wheelers .. ..	200
(ii) .. ..	225
(b) more than 4 persons .. ..	250

Provided that if a vehicle for carrying passengers plying for hire, which is not a bus, is fitted with solid tyres, there shall be a surcharge *per annum* of 25 *per cent.* of the amount payable under clause (a) or clause (b) above, as the case may be, for such vehicle.

## . C.—Vehicles for transport of goods.

	Rate of tax payable for the year. Rs.
(a) Up to 1,000 lbs. registered laden weight	100
(b) Exceeding 1,000 lbs. but not exceeding 4,000 lbs. registered laden weight.	100 plus Rs. 10 for every additional 500 lbs. or part thereof, above 1,000 lbs.
(c) Exceeding 4,000 lbs. but not exceeding 8,000 lbs. registered laden weight.	160 plus Rs. 12-8 for every additional 500 lbs. or part thereof, above 4,000 lbs.
(d) Exceeding 8,000 lbs. but not exceeding 18,000 lbs. registered laden weight.	260 plus Rs. 15 for every additional 500 lbs. or part thereof, above 8,000 lbs.
(e) Exceeding 18,000 lbs. registered laden weight	560 plus Rs. 50 for every additional 500 lbs. or part thereof, above 18,000 lbs.:

Provided that where a vehicle for transport of goods is fitted with solid tyres, there shall be a surcharge *per annum* of 25 *per cent.* of the amount payable under clause (a) or clause (b) or clause (c) or clause (d) or clause (e) above, as the case may be, for such vehicle."

**SJ. CHARU CHANDRA BHANDARI:** মাননীয় স্পীকার মহাশয়, আমি circulation motion সম্পর্কে বা বলেছিলাম, তাতে আমি বলেছি যে সরকার পক্ষ থেকে যে amendment এসেছে, সেটাতে যোগপত্রের স্থলে আটগুণ করা হয়েছে। মাননীয় মুখ্য মন্ত্রী মহাশয় বলেছিলেন আমি যে criticism করেছি তা এ বিষয় বিবেচনা না করে। কিন্তু তাঁকে স্মরণ করিয়ে দিতে চাই যে আমি এটা উল্লেখ করে যে বক্তৃতা করেছিলাম যোগপত্রের আরগার আপনারা অনুগ্রহ করে আটগুণ করেছেন, তাতে আমি আপত্তি করেছি, একেবারে tax ৮০০ per cent. না বাড়িয়ে, কম বাড়ান, আমার যে amendment সেটা যদি work out করা যায়, তাহলে সেটা চারগুণের মত পড়ায়। অতএব আমার প্রস্তাবটা বুঝি সন্নীত—*at a stage* চারগুণ বাড়ান। অবশ্য nationalisation যদি করেন, তাহলে তো সব ফুরিয়ে গেল। আর যদি তা না করেন, তাহলে next year আমার কিছু বাড়িতে পারবেন। এটা বুঝি সন্নীত প্রস্তাব।

আমার মাধ্যম্য হচ্চে এই জন্য যে tax বাড়ুক বলে tax বাড়ান নয়, আমরা দেখবো tax-এর incidence যেন common man-এর উপর না পড়ে। Bus-এর tax বাড়লে তার incidence এসে পড়বে গরীব জনসাধারণের উপর। এর উত্তরে মাননীয় মুখ্য মন্ত্রী মহাশয় বলেছিলেন যদিও গভর্নমেন্ট, একটা আইনের বিধান এখানে আছে, তারা বাসের ভাড়া বাড়াতে পারে বা কমাতে পারে; কিন্তু সাধারণতঃ Regional Transport Authority ও Provincial Transport Authority সেটা করে থাকেন। আমি তাঁদের দৃষ্টি আকর্ষণ করছি আইনের একটা provision-এর দিকে। স্বাক্ষর করে বিল তাঁরা পাশ করে নিয়েছেন, তারপর তাতে আর একথা বলা চলে না, Regional Transport Authority ও Provincial Transport Authority-এর অধিব প্রায় লোপ করে দেওয়া হয়েছে। এখন কথা হচ্ছে যেটা পাশ করে নিয়েছেন সেটা ধরলে বোঝা যায় যে nationalisation আপনাদের হাতে নয়, অথচ তার আইন immediately তার effect-এ আসবে। তার ফলে হয়েছে এই section 44 হচ্ছে Regional Transport Authority, Provincial Transport Authority-এর যে constitution আছে, তাতে বিধান করা হয়েছে যে *Provided that if the State Government so thinks fit, the State Transport Authority or the Regional Transport Authority may consist of a single official*" এটা লক্ষ্য করে দেখবেন।

ভারপর clause 6এ বোটা পাশ করে নিয়েছেন “The State Government may, by notification in the *Official Gazette* appoint for the State a State Transport Officer and may in like manner appoint for such area within the State as may be specified in the notification a Regional Transport Officer”.

অর্থাৎ কালকে যে Motor Vehicle Amendment Bill বোটা পাশ হয়ে গেছে, তার বিধান অনুসারে State Transport Authority বা Regional Transport Authority practically কোন অস্তিত্ব থাকছে না এবং গভর্নমেন্টের একজন কর্মচারীর হাতে Transport Authority যে কাজ করছে, সেটা গিয়ে পড়েছে। এই জিনিষটার বৌদ্ধিকতা সম্পর্কে একথা বলা যেতে পারে যে nationalisation যখন হবে, তখন একজন অফিসার দিয়ে কাজ হবে। ইতিমধ্যে সেই nationalisationএর কোন কথা নাই। সে সম্পর্কে গভর্নমেন্টও কোন assurance দেন নাই। আইনের বিধানের মধ্যেও কোন proviso নাই, এই যে amendment যা হ'লো এই amendment শুধু কার্যকরী হবে, nationalisationএর যখন scheme হবে, সেটা কার্যকরী করার জন্য কোন proviso এখানে নাই।

যে আপত্তি এমনিই ছিল যে ভাড়া বাড়ান হবে, সেই আপত্তিই এই বিল পাশের দ্বারা আরও বহিষ্ট হ'ল। এখন থেকেই সাধারণ হওয়া উচিত যাতে করে বাসের ও লরীর ভাড়া এমনভাবে না বাড়ি যে বাধা হয়ে গভর্নমেন্টকেও তাদের ভাড়া বাড়িতে হয়।

State Transport Authorityর জায়গায় একজন অফিসারকে নিয়োগ করে দিচ্ছে কাজ চলে যাবে। এছাড়া আমার যে সংশোধনী প্রস্তাব, সেটা বুঝি সীতান। এটা গৃহীত হলে State Funds যে টাকা এখন আসছে, তার অন্ততঃ চারগুণ বেশী টাকা আসবে।

লরীর ক্ষেত্রে কোন রকমে দিওগের বেশী বাড়ান উচিত নয়। এ সম্পর্কে আমার যা প্রস্তাব তা আড়াইগুণ এই রকম হবে। আপনারা কেবল সংখ্যার জোরে বিল পাশ না করে, অন্ততঃ একটা যুক্তিযুক্ত কাজ এই সেসনে করে যান, এই আমার অনুরোধ।

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** Sir, I have nothing very much to add. I do not know whether my friend, Mr. Bhandari, has calculated the results of the amendments he has made. Fortunately for me, the calculation does not show much difference because he has only concentrated his attention to the question of payment of taxes by the stage carriages of various descriptions. He has not touched the question of payment of taxes on motor cars, motor cycles, taxis and so on. I find there is not much difference between his figures and my figures if the amendment of Sri Sushil Kumar Banerjee is accepted which I hereby do accept.

With regard to the proposals of S. Charu Chandra Bhandari I may say that the Act which has been passed yesterday but which has not yet been approved by the Governor does not entitle us to take any power and when I referred to the question of the Regional Transport Authority I was making a suggestion as to what is existing at the present moment under the present law. Sir, I do not see any reason to alter the amendment that has been proposed by Sri Susil Kumar Banerjee which has been accepted by me. I therefore propose the amendments of Sri Charu Chandra Bhandari.

**Mr. SPEAKER:** If the amendment of Sri Susil Kumar Banerjee is carried, automatically all the other amendments will fall through and therefore I shall put his amendment first before the House.

The motion of Sj. Susil Kumar Banerjee that for the Schedule the following be substituted, namely:—

**"THE SCHEDULE.**

(See section 4.)

**Description of Motor Vehicles and Rate of Tax.**

*A.—Vehicles for carrying passengers not plying for hire.*

	Rate of tax payable for the year. Rs.
(1) Motor cycles .. .. .	18
(2) Motor cycle combinations .. .. .	24
(3) Motor cars .. .. .	12 for every 500 lbs. unladen weight or part thereof up to 2,500 lbs. <i>plus</i> Rs. 20 for every additional 500 lbs. unladen weight or part thereof above 2,500 lbs.

*B.—Vehicles for carrying passengers plying for hire.*

	Rate of tax payable for the year. Rs.
(1) Buses (Stage carriages) seating exclusive of the driver and the conductor,—	
(a) not less than 8 persons and not more than 26 persons.	400 for 8 persons <i>plus</i> Rs. 40 for every additional person beyond 8 and up to 26
(b) not less than 27 persons and not more than 32 persons.	1,150 for 27 persons <i>plus</i> Rs. 30 for every additional person beyond 27 and up to 32.
(c) 33 persons or more .. .. .	1,320 for 33 persons <i>plus</i> Rs. 20 for every additional person beyond 33 :

Provided that if a bus is fitted with solid tyres, there shall be a surcharge *per annum* of 25 *per cent.* of the amount payable under clause (a) or clause (b) or clause (c) above, as the case may be, for such bus.

	Rate of tax payable for the year. Rs.
(2) Vehicles other than buses, seating exclusive of the driver and the conductor,—	
(a) not more than 4 persons—	
(i) 3-wheelers .. .. .	150
4-wheelers .. .. .	200
	} if unladen weight is not above 2,500 lbs.
(ii) .. .. .	225 if unladen weight is above 2,500 lbs.
(b) more than 4 persons .. .. .	250 for 5 persons <i>plus</i> Rs. 50 for every additional person beyond 5 :

Provided that if a vehicle for carrying passengers plying for hire, which is not a bus, is fitted with solid tyres, there shall be a surcharge *per annum* of 25 *per cent.* of the amount payable under clause (a) or clause (b) above, as the case may be, for such vehicle.

*C.—Vehicles for transport of goods.*

	Rate of tax payable for the year. Rs.
(a) Up to 1,000 lbs. registered laden weight	100
(b) Exceeding 1,000 lbs. but not exceeding 4,000 lbs. registered laden weight.	100 <i>plus</i> Rs. 10 for every additional 500 lbs. or part thereof, above 1,000 lbs.
(c) Exceeding 4,000 lbs. but not exceeding 8,000 lbs. registered laden weight.	160 <i>plus</i> Rs. 12-8 for every additional 500 lbs. or part thereof, above 4,000 lbs.
(d) Exceeding 8,000 lbs. but not exceeding 18,000 lbs. registered laden weight.	260 <i>plus</i> Rs. 15 for every additional 500 lbs. or part thereof, above 8,000 lbs.
(e) Exceeding 18,000 lbs. registered laden weight	560 <i>plus</i> Rs. 50 for every additional 500 lbs. or part thereof, above 18,000 lbs.

Provided that where a vehicle for transport of goods is fitted with solid tyres, there shall be a surcharge *per annum* of 25 *per cent.* of the amount payable under clause (a) or clause (b) or clause (c) or clause (d) or clause (e) above, as the case may be, for such vehicle.”, was then put and agreed to.

The question that clause 3, as amended, do stand part of the Bill was then put and agreed to.

*Preamble.*

The question that the preamble do stand part of the Bill was then put and agreed to.

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** Sir, I beg to move that the Bengal Motor Vehicles Tax (West Bengal Amendment) Bill, 1951, as settled in the Assembly, be passed.

The motion was then put and agreed to.

**Mr. SPEAKER:** That finishes the business of the House today. Tomorrow will be a non-official day. The list of business circulated on the 3rd March, 1951, which remains undisposed of—both resolutions and bills—will be taken up tomorrow.

The House stands adjourned till 4-30 p.m. tomorrow.

**Adjournment.**

The House was accordingly adjourned at 6-52 p.m. till 4-30 p.m. on Friday, the 30th March, 1951, at the Assembly House, Calcutta.

**Proceedings of the West Bengal Legislative Assembly assembled  
under the provisions of the Constitution of India**

THE ASSEMBLY met in the Assembly House, Calcutta, on Friday, the 30th March, 1951, at 4-30 p.m.

**Present:**

Mr. Speaker (the Hon'ble ISWAR DAS JALAN) in the Chair, 11 Hon'ble Ministers and 54 members.

**STARRED QUESTIONS**

(to which oral answers were given)

**Houses and plots of land requisitioned since partition**

\*74. **SJ. ANNADA PROSAD CHOUDHURY:** Will the Hon'ble Minister in charge of the Land and Land Revenue Department be pleased to state—

- (a) the number of houses requisitioned by Government after the 15th August, 1947;
- (b) the number of such houses actually taken possession of;
- (c) the total number of houses and vacant plots in the possession of Government now and the total amount of rent paid for them;
- (d) how many of the houses are—
  - (i) fully occupied,
  - (ii) partly occupied, and
  - (iii) lying vacant; and
- (e) how much rent is paid for the houses fully occupied and how much rent is realised from the occupiers?

**MINISTER in charge of the LAND and LAND REVENUE DEPARTMENT (the Hon'ble Rai Harendra Nath Chaudhuri):** (a) The number of houses in respect of which requisition orders were issued after the 15th August, 1947, and up to the 30th June, 1950, is 2,794.

(b) 852.

(c) (A) *Houses*.—1,740. This represents the total number of houses in the possession of Government on the 30th June, 1950, which were requisitioned *before* or *after* the 15th August, 1947, under the Defence of India Rules or subsequent enactments for the Central or the Provincial (or State) Government.

(B) *Vacant plots*.—5,723. This represents the number of vacant plots in the possession of Government on the 30th June, 1950, which were requisitioned under the Defence of India Rules for the Central or the Provincial Government.

(C) *Rent paid*.—Rs.1,25,00,000 (approximately). This represents the total amount of rent (compensation) paid up to the 30th June, 1950, in respect of (A) and (B) above.

- (d) (i) 1,737.
  - (ii) 1.
  - (iii) 2.
- } Vide (A) above.

(e) (i) Rs.9,19,020-1-6 (payable annually).

(ii) Rs.3,37,226-6 (realised annually from the occupiers).

[The figures are in respect of the 1,737 houses referred to against (d) (i) above.]

[N.B.—The figures have been collected up to the 30th June, 1960.]

**8J. ANNADA PROSAD CHOUDHURY:** Supplementary question, Sir, উত্তর (e) (i)তে বলা হয়েছে যে ৯,১৯,০২০/৬ পাই বার্ষিক বাড়ী, এবং জমির মালিক তাদের দেওয়া হয় এবং ৩,২৭,২২৬/০ যায়া occupy করেছেন তাদের কাছ থেকে আদায় করে। এর ভিতরে যে ৬ লক্ষ টাকার ভারতীয় সরকারের এই লোকসানের কারণ কি?

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** এটা লোকসান নয়। Government সরকারী প্রয়োজনে যেসব বাড়ী requisition করেছেন তার খাজনা বাবদ এই টাকাটা দেয়।

**8J. ANNADA PROSAD CHOUDHURY:** Supplementary question, Sir, এই যে Governmentএর requisition হয়েছে ৯ লক্ষ টাকা ভাড়া দেয়, আর occupiersদের কাছ থেকে আদায় হয়েছে ৩ লক্ষ সেই টাকা কি rent বাবদ দেওয়া হয়? না compensation বাবদ?

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** Rent মানেই হচ্ছে compensation. উত্তরে আছে compensation হচ্ছে ৯,১৯,০২০/৬ পাই (payable annually) for the occupation of houses by Government department. এখানে realisationএর কোন প্রশ্ন নাই।

**8J. ANNADA PROSAD CHOUDHURY:** Supplementary question, Sir, মাননীয় মন্ত্রী মহাশয় বলবেন কি এই vacant plotsএর কথা বলা হয়েছে, তার মধ্যে এমন অনেক ছিল বা আছে যা সরকারের কোন কাজে লাগে না, বৎসব্যতিকাল হয় সেগুলি de-requisition করবার জন্য লেখা হয়েছে অথচ তা হয় নাই কেন?

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** না, তা ঠিক নয়।

**8J. ANNADA PROSAD CHOUDHURY:** মাননীয় মন্ত্রী মহাশয় বলবেন কি যে কান্ধীপুর-চিংপুর এলাকায় অনেকগুলি জমি derequisitionএর দুই বছর ধরে লেখাপড়া চলছে সেগুলো সরকারের কোন কাজেই লাগে না, অথচ সরকারকে rent দিতে হচ্ছে?

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** এ বিষয়ে question করলে উত্তর দেওয়া যাবে।

#### Bhag Chas Conciliation Boards

**\*75. 8J. SIBNATH BANERJEE:** (a) Will the Hon'ble Minister in charge of the Land and Land Revenue Department be pleased to state—

(i) in how many places disputes between the *bargadars* and the owners of lands have arisen in the districts of Hooghly, Midnapore, Murshidabad and Howrah;

(ii) whether Conciliation Boards have been formed there;

(iii) if so—

(A) the number of them,

(B) the principles on which these boards were set up, and

(C) the areas for which they were set up;

(iv) before the formation of such boards whether there had been disputes in those places;

- (v) whether disputes have arisen in Pandua thana in the district of Hooghly in Contai subdivision and Garbeta thana in the district of Midnapore and in Jagatballavpur thana in Howrah;
- (vi) whether it is a fact that a large number of *bargadars* of Pandua thana demanded the formation of boards and implementation of the West Bengal Bargadars Act, 1950, there in a meeting held on the 1st January 1951, at Ilsoba;
- (vii) whether a joint petition was filed by the *bargadars* of Pandua demanding immediate implementation of the West Bengal Bargadars Act, 1950;
- (viii) whether it is a fact that a large number of *bargadars* went in processions to Chinsura and met the Subdivisional Officer and the District Magistrate on the 2nd and 17th January, 1951, with their demand for implementing the Act;
- (ix) whether the Subdivisional Police Officer and the Circle Officer met a large number of *bargadars* in their meeting at Ilsoba and came to know about the disputes;
- (x) whether the local authorities have been trying for non-official conciliation since then instead of doing anything officially;
- (xi) if so, the result of such non-official conciliation; and
- (xii) whether the Government have done anything to implement the Act in Pandua, Contai, Garbeta and Jagatballavpur police-stations?
- (b) If the replies to (a)(i) to (ix) are in the affirmative, will the Hon'ble Minister be pleased to state what steps Government propose to take—
- (i) against the local authorities for non-implementation of the Act; and
- (ii) to form boards in those places immediately?
- (c) If the reply to (a)(xii) is in the negative, will the Hon'ble Minister be pleased to state the reasons for such delay in spite of disputes existing in those places?

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** (a)(i) Cases of disputes arose between the *bargadars* and the owners of lands in two villages of Ilsoba and Daspur in Pandua police-station of the district of Hooghly, in some places in 12 thanas in the district of Midnapore, in Sagardighi police-station in the Jangipur subdivision and in several unions of Nabagram police-station in the Lalbagh subdivision of the district of Murshidabad and in two places of the Uluberia subdivision in the district of Howrah.

(ii) Yes, except in Pandua police-station of the district of Hooghly.

(iii) (A) Eight in the district of Hooghly, 22 in the district of Midnapore, 25 in the district of Murshidabad and 10 in the district of Howrah.

(B) Boards have been set up wherever there was demand for them or there was likelihood of disputes arising between the owners of the lands and the *bargadars*.

(C) Details are given in the statement attached.

(iv) There had been disputes in some of those places and therefore Conciliation Boards were formed.

(v) Vide reply to (iv) above. There was no dispute in Pandua police-station. But as a result of frequent visits of some leaders of the Socialist Party to that area, some cases of disputes have arisen there recently.



(vi) There is no such information. But a few leaders of the Socialist Party of the district and outside saw the District Magistrate and made such a demand.

(vii) A few petitions were filed both by the landowners and the *bargadars* individually and jointly—one group complaining against the other.

(viii) A small number of people led by the interpellator and other leaders of the Socialist Party went to Chinsura and saw the local authorities and demanded implementation of the Bargadars Act.

(ix) The District Publicity Officer and the Circle Officer (not the Sub-divisional Police Officer) held a meeting at Ilsoba to ascertain the real position.

(x) and (xi) The implications of the Bargadars Act having been explained to the parties most of the disputes have been settled amicably, the parties generally acting on the broad principles of the Act.

(xii) *Vide* answer to (x) and (xi) above. In Contai and Jagatballavpur police-stations boards have already been established. Steps are being taken to establish Conciliation Boards in Garbeta police-station also.

(b) As the Act has been implemented and boards set up wherever necessary this question does not arise.

(c) Does not arise.

*Statement referred to in reply to clause (a)(iii)(c) of starred question No. 55, showing the areas where Bhag Chas Conciliation Boards have been established in the districts of Hooghly, Midnapore, Murshidabad and Howrah.*

*Hooghly.*—Singur police-station, Chanditala police-station, Polba police-station, Arambagh police-station, Goghat police-station, Pursurah police-station and Khanakul police-station.

*Midnapore.*—Nandigram police-station, Mahisadal police-station, Suta-hata police-station, Unions Nos. II, III, VIII, IX, X, XII, XIII and XIV of Bhagawanpur police-station, Unions Nos. I, II, III, IV, V, VI, VII, VIII and IX of Khedgree police-station, Unions Nos. I to XX of Contai police-station, Tamluk police-station, Moyna police-station, Panskura police-station, Union No. VIII of Egra police-station, Unions Nos. IV and VII of Daspur police-station, Unions Nos. VII and VIII of Chandrakona police-station.

*Murshidabad.*—Unions Nos. I to IX of Sagardighi police-station, Unions Nos. I to VIII of Nabagram police-station, Kumarsauda, Mahalandi, Gokarna, Purandarpur, Andulia and Jashohari-Anukha Unions in Kandi police-station, Jajan, Alugram, Amlai, Sijgram, Bharatpur, Talgram, Godda, Simuha-Bonawara, Salar, Khargram-Talibpur of Bharatpur police-station, Padamkandi, Jhaili, Indrani, Sadol, Khargram, Margram and Balia Unions of Khargram police-station, Kalyanpur, Kuli, Sabaldah, Biprasekhar, Sahora, Kurunmuran, Sundarpur, Panchthupi and Barwan Unions in Barwan police-station, Jamuar, Jajur, Mirzapur, Dafarpur, Teghori, Gobindapur, Mithipur, Dayrampur and Selkhalipur Unions in Raghunathganj police-station.

*Howrah.*—Sankrail police-station, Jagatballavpur police-station, Domjur police-station, Amta police-station, Bauria Union in Bauria police-station, Uluberia, Chengail, Kalinagore, Dhulasimla, Joargori, Banibon, Bamdevpur, Chandpur and Hatgacha Unions in Uluberia police-station, Shyampur-Kamalpur, Baneswarpur, Nabagram, Belari, Nakole, Sasaty.

Amardali, Dihi Mondalghat and Kharuberia Unions in Shyampur police-station, Bagnan, Bānapur, Bantul, Chandbhag, Mellok, Bangulpur, Bainon and Kalyanpur Unions in Bagnan police-station.

**Sj. SIBNATH BANERJEE:** Supplementary question, Sir, মাননীয় মন্ত্রী মহাশয় বলবেন কি with reference to reply (b) namely, Boards have been set up wherever there was demand for them or there was likelihood of disputes arising between the owners of the lands and the Bargadars? এই reference ভিজ়াসা করছি যে Ilsoha and Daspurতে সেই demand হওয়া সত্ত্বেও সেখানে Board কেন হয়নি?

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** না তাহাে নয়, উত্তরে বলা হয়েছে যে District Publicity Officer এবং Circle Officer Ilsohaতে একটা meeting করেছে এবং সবস্ত পক্ষদের কাছে আইনটা বুঝিয়ে দিয়েছেন এবং তারপর disputeগুলি party বা amicably settle করেছে।

**Sj. DEBENDRA NATH SEN:** On a point of privilege, Sir. Arising out of answer (a) (iii), in giving the reply is the Hon'ble Minister entitled to refer to another honourable member as an "interpellator"?

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** Please consult the dictionary. "Interpellator" is he who puts an interpellation.

**Sj. DEBENDRA NATH SEN:** I have asked the Speaker.

**Mr. SPEAKER:** A person asking questions is an "interpellator".

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** It is a point of lexicography. Perhaps the honourable member is confusing "interpellator" with "interloper".

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** Or perhaps he is confusing it with the word "interpreter".

**Sj. SIBNATH BANERJEE:** Perhaps the Hon'ble Minister knows much about "interloping".

**Mr. SPEAKER:** Ignore the interruptions please and proceed with your questions.

**Sj. SIBNATH BANERJEE:** I am only replying to the interruptions. উনি বলেছেন সেখানে Circle Officer এবং Publicity Officer গিয়েছিলেন এবং আইনটা বুঝিয়ে দিয়েছেন তাব ফলে most of the disputes amicably settled হয়েছে। উনার statement এই বুঝা যাচ্ছে সব dispute settled হয়নি। তাহলে সেখানে কেন Board form করা হয়নি?

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** এইগুলি যেখানে settled হয়েছে আমরা আশা করছি বাকীগুলিও হবে। Most of the disputes have been settled amicably.

**Sj. ANNADA PROSAD CHOUDHURY:** মাননীয় মন্ত্রী মহাশয় কি অবগত আছেন যে সেখানে যে Bargadar Act আছে সেখানে two-thirds অংশও তারা পায়নি, এটা তিনি কি অবগত আছেন?

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** এট প্রশ্ন ভিত্তিহীন।

**Sj. SIBNATH BANERJEE:** তিনি কি এটা জেনে বলছেন না জ্ঞানপাণী হিসাবে অসত্য কথা বলছেন?

**Mr. SPEAKER:** Without making any remark, just put your question.

**SJ. SIBNATH BANERJEE:** Because the Hon'ble Minister's remark is wrong, I have to do so.

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** If he is wrong why do you ask him questions?

**SJ. SIBNATH BANERJEE:** মাননীয় মহী মহাশয় বলবেন কি কয়জন Socialist Leader সেখানে গিয়েছিল, যেখানে dispute arise করেছিল? বেদিনীপুরের ১২টি ধানায় এবং সাগরদিঘী ধানায়, Uluberia ধানায় সেখানেও কি Socialist Leader-রা যাওয়ার জন্য dispute arise করেছিল?

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** কয়জন গিয়েছিলেন আমার জানা নেই।

**SJ. SIBNATH BANERJEE:** মাননীয় মহী মহাশয় বলবেন কি এখানে যে dispute arise করার পক্ষে কৃষক-রা বর্গাংশ Act যে সুযোগ সুবিধা সবেও সেখানে Board form করা হয়নি। কেননা Socialist-রা সেখানে গিয়েছিল।

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** কোথায়?

**SJ. SIBNATH BANERJEE:** আমি পাণ্ডুর কথা বলছি। এখানে Board form না হওয়ার কারণ সেখানে যে dispute arise করেছে সেখানে Circle Officer এবং Publicity Officer-রা সেখানে গিয়ে promise দিয়েছে—Board form করা হবে, কিন্তু তারপরেও কবেনি কারণ সেটা করা হলে Socialist Leaders-রা prominent হয়ে যায়।

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** This is argumentation. Where is the question?

**Mr. SPEAKER:** Mr. Banerjee, put it in the form of a question.

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** হিম্মিতে বলুন।

**SJ. SIBNATH BANERJEE:** হিম্মিতে বললে আপনিতো বুঝবেন না।

District Magistrate-কে বদল দেওয়া হয়েছে deputation-ও গেছে officer-ও deputed হয়েছে এবং বঙ্গাংশ Board দেওয়া দরকার তা সবেও Board দেওয়া হয়নি এ না হওয়ার কারণ কি? এও কি Socialist Leader.....

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** কারণ সে সমস্ত dispute amicably settled হয়েছে।

**SJ. SIBNATH BANERJEE:** মাননীয় মহী মহাশয় বলবেন কি সেখানে কত per cent. বপাংশ ২/৩ অংশ ভাগ পেয়েছে?

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** আমার তা জানা নেই। আর সকল ক্ষেত্রেই ২/৩ অংশ পাবে আইনেরও এমন বিধান নয়।

**SJ. JYOTI BASU:** With regard to answer (a)(c), will the Hon'ble Minister be pleased to state whether the disputes that arose as a result of the visit of some Socialist Leaders were genuine or not?

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** No, apparently not, because they have been settled amicably.

**SJ. JYOTI BASU:** With regard to the answer given just now, does the Hon'ble Minister wish to state that if a dispute is settled amicably then it is not a genuine dispute?

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** It may be presumed that it was fomented.

**Sj. CHARU CHANDRA BHANDARI:** মাননীয় মন্ত্রী মহাশয় বলবেন কি, বর্গাদার এবং ভূমির মালিকদের মধ্যে যদি কোন dispute arise করে, তবে সেটা বর্গাদার আইন অনুসারে মাত্র বোর্ডের মাধ্যমে বীমাংশ হতে পারে?

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** এই hypothetical questionএর উত্তর দেওয়া যায় না।

**Sj. CHARU CHANDRA BHANDARI:** মাননীয় মন্ত্রী মহাশয় বলবেন কি, যদি সেটা arise করে—

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** তবে আবার hypothetical প্রশ্ন করেন কেন?

**Sj. CHARU CHANDRA BHANDARI:** মাননীয় মন্ত্রী মহাশয় বাবেন কি, বর্গাদার এবং ভূমির মালিকদের মধ্যে ভাগ সংক্রান্ত বিরোধ বর্গাদার আইন অনুসারে মাত্র একটা বোর্ডের মাধ্যমে বীমাংশ হতে পারে এ কথা সত্য কি না?

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** যদি dispute arise করে তবেই Conciliation Boardsএর প্রয়োজন, নতুবা নয়।

**Sj. SIBNATH BANERJEE:** মাননীয় মন্ত্রী মহাশয় বলবেন কি, যেখানে Socialist নেতারা যাওয়ায় আদায় বর্গাদার Act সম্বন্ধে যে কয়টি leaflet গভর্নমেন্ট থেকে বের করা হয়েছিল, তার কোনটিই distribute বা তাদের জানান হয় নি?

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** আমরা জানা নেই। আমি প্রকৃত মনে মনে কবি না।

**Sj. DEBENDRA NATH SEN:** Arising out of reply (a) (a), will the Hon'ble Minister be pleased to state whether it is a fact that, as a result of the frequent visits by Congressmen from outside, as against the visits by the Socialist Leaders from outside, the land-owners were organised to file a petition?

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** Not of Congressmen, but of Socialists.

**Sj. PRAMATHA NATH BANDYOPADHYAY:** মাননীয় মন্ত্রী মহাশয় বলবেন কি, কাঁখীতে যে সময় ভাগাদায় বোর্ড আছে, সেখানেকার disputed case বিচারিত হতে অত্যন্ত দেরী হয়, যার জন্য ভাগাদায়ীদের অত্যন্ত কষ্ট হয়—যদি অফিসারদের কাছ থেকে জেনেছি যে তাদের কাছ এত বেশী যে যে সমস্ত dispute জনস্বার্থে জমা আসতে পারেন না। এই যে অস্থিতি হচ্চে তা দূর করার জন্য গভর্নমেন্ট কি ব্যবস্থা করছেন?

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** এ সম্বন্ধে স্থানীয় অফিসারদের কাছ থেকে কিছু জানা যায়নি। হিবা যদি জানান যে কি কারণে দেরী হচ্চে তাহলে নিশ্চয়ই তার প্রতিকার্য ব্যবস্থা করা হবে।

**Sj. CHARU CHANDRA BHANDARI:** মাননীয় মন্ত্রী মহাশয়, তিনি যে সমস্ত উত্তর দিয়েছেন, এই সম্পর্কে, তাদের অধীনে কলকাতাবাসিগণকে এই উপদেশ দেবেন কি না যে যদি কোন dispute arise করে between বর্গাদার এবং ভূমির মালিকদের মধ্যে তাহলে সেটা বোর্ডের মাধ্যমে বীমাংশ করা সমীচীন হবে?

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** আইনের তাই বিধান।

**Sj. CHARU CHANDRA BHANDARI:** মাননীয় মন্ত্রী মহাশয় যে উত্তর দিয়েছেন তাতে প্রতীয়মান হচ্চে যে বোর্ড গঠন না করেই এইসব বীমাংশ হয়ে গিয়েছে—সুতরাং এটা আইনগত কি না?

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** যেখানে আপোষ বীমাংশ হয়ে যায় সেখানে বোর্ড form করার কোন প্রয়োজন হয় না। আপোষ বীমাংশ বেআইনী হতে পারে না।

**Sj. SIBNATH BANERJEE:** মাননীয় মন্ত্রী মহাশয় জানানবেন কি, socialist নেতারা সেখানে গিয়ে District Publicity Officer এবং Circle Officerদের নিয়ে meeting করার পর যখন

recommend করা হ'ল যে সেখানে Board form করা উচিত, তারপরে মাননীয় মন্ত্রী মহাশয়ের আর একজন বিনিষ্ট বন্ধু, যিনি কংগ্রেস নেতা এবং বাংলাদেশের কংগ্রেসের প্রেসিডেন্ট, তিনি Socialist নেতাদের পক্ষ অনুলবণ করে সেখানে গিয়ে হাতির হয়েছিলেন?

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** এ সবকে আমার জানা নেই।

**Sj. SIBNATH BANERJEE:** মাননীয় মন্ত্রী মহাশয় জানাবেন কি যে, যেখানে dispute arise করে, তার আগেই মাননীয় মন্ত্রী মহাশয়ের কর্তব্য নয় কি যে ভাগচাম বোর্ডের কথা তাদের জানিয়ে দেওয়া এবং যেখানে চাষীরা ২/৩ অংশ পাচ্ছে না, সেখানে ভাগচাম বোর্ড স্থাপন করে যাতে তারা ২/৩ অংশ পায় তার বন্দোবস্ত করা?

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** যেখানে বর্গাদার এবং ভূমির মালিকের সঙ্গে বিরোধের সম্ভাবনা থাকে সেইখানেই ভাগচাম Conciliation Board স্থাপন করা হয়।

**Sj. SIBNATH BANERJEE:** মাননীয় মন্ত্রী মহাশয় বলেছেন যে বর্গাদার আইন করা হয়েছে যাতে ২/৩ অংশ চাষীরা পায় কিন্তু যেখানে এরা তা পাচ্ছে না, সেখানে গভর্নমেন্ট থেকে ভাগচাম বোর্ড করে তাদের পাঠিয়ে দেওয়া কি উচিত নয়?

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** আমার বিশ্বাস আইন অনুসারে চলবে কারণ অসুবিধা হয় না, আইন অনুসারে যাব যা প্রাপ্য সে তাই পেয়ে থাকে।

**Sj. SIBNATH BANERJEE:** মাননীয় মহাশয় বলবেন কি, এই বর্গাদার আইন অনুসারে যাব যা প্রাপ্য সেটা পাঠিয়ে দেওয়া গভর্নমেন্টের কাজ কি না?

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** শিষ্টচর্য, যদি সে বোর্ডের কাছে দাবী করে তাহলে সে পাবে।

**Sj. SIBNATH BANERJEE:** না দাবী করলে তাকা পাবে না, কিন্তু গভর্নমেন্টের কি কর্তব্য নয় যে এরা যাতে পায় এর ব্যবস্থা করা?

**Mr. SPEAKER:** No question of argument.

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** যন্ত্রাত বা অপূর্ণাধিত বিষয়ে কেউও কিছু করতে পার না।

**Sj. SIBNATH BANERJEE:** মাননীয় মন্ত্রী মহাশয় বললেন যে আইন অনুসারে তাদের যা প্রাপ্য সেটা তাদের পাঠিয়ে দেওয়া গভর্নমেন্টের কর্তব্য নয়, বরংকণ পরামর্শ না সে দাবী করে।

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** কর্তব্য নয় এ কথা বলা হয় নি। বলা হয়েছে যে যেখানে বিরোধের সম্ভাবনা থাকে সেইখানেই বোর্ড স্থাপন করা হয় এবং আইন অনুসারে যাব যা প্রাপ্য সেটা বোর্ড বিচার করে দেন।

**Sj. DEBENDRA NATH SEN:** Will the Hon'ble Minister be pleased to state what steps are being taken in the areas where disputes did not arise because of the ignorance of the *bargadars* of the law and the privileges granted by the Act?

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** Steps have been taken to publish all the sections of the Bargadars Act and to broadcast the provisions of the Act in Bengali.

**Sj. SIBNATH BANERJEE:** মাননীয় মন্ত্রী মহাশয় বলবেন কি, যাদের কাছে broadcast বক্তৃতা জাপিয়ে পাঠান হয়েছে, তাঁদের মধ্যে কী per cent. লোক পড়তে পারে?

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** আপনাকা পড়িয়ে শুনিতে দেবেন।

**Mr. SPEAKER:** Next.

**SJ. SIBNATH BANERJEE:** I was on my legs, Sir.

**Mr. SPEAKER:** There is a limit to supplementary questions and I have called the next question.

### Thika tenants in Calcutta

**\*76. Dr. SURESH CHANDRA BANERJI:** Will the Hon'ble Minister in charge of the Land and Land Revenue Department be pleased to state—

- (a) the number of persons living in *bustees* in the different parts of Calcutta;
- (b) the total area of *bustees* in comparison with the total Municipal area of Calcutta;
- (c) the number of ejectment suits instituted since the promulgation of Ordinance in respect of *thika* tenants in 1948;
- (d) whether the provisions of the Calcutta Thika Tenancy Act, 1949, have been found inadequate for giving protection to *thika* tenants from eviction in many cases; and
- (e) if so, whether Government consider the desirability of amending the Calcutta Thika Tenancy Act, 1949?

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** (a) 678,100 (approximately).

(b) Total area of *bustees* -1,895 acres.

Total Municipal area of Calcutta 18,121 acres.

(c) 491

(d) No

(e) Does not arise.

**Dr. SURESH CHANDRA BANERJI:** With reference to answer (c) & (d) মাননীয় মহী মহাশয় বলবেন কি, Ordinance জারী হওয়ার পর ৪৯১টি উচ্ছেদের মামলা দায়ের হয়েছে এবং সেগুলি কোন মামলায় যে দিলা প্রজাদের উচ্ছেদের দায় হতে বাঁচানোর জন্য Calcutta Thika Tenancy Act সংশোধন প্রয়োজন নাই?

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** এর আগে এর বেশী সংখ্যক মোকদ্দমা কল্প হত। অতএব গভর্নমেন্টের ধারণা যে ৪৯১টি মামলা কল্প হয়েছে সেটা সংখ্যায় আগের চেয়ে কমে এসেছে, কাজেই একজন আইন সংশোধন করার প্রয়োজন আছে বলে আমি মনে করি না।

**Dr. SURESH CHANDRA BANERJI:** মাননীয় মহী মহাশয় বলবেন কি, আইন যখন ছিল না সেই অবস্থার সঙ্গে আর আইন পাশের পরবর্তী অবস্থার সঙ্গে তুলনা করা নাগসঙ্গত কি না?

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** গভর্নমেন্টের ধারণা যে আইন হওয়ার পর মোকদ্দমার সংখ্যা যথেষ্ট কমে গিয়েছে।

**Dr. SURESH CHANDRA BANERJI:** মাননীয় মহী মহাশয় বলবেন কি যে Calcutta Thika Tenancy Act, 1949 এর প্রধান উদ্দেশ্য ছিল যে দিলা প্রজাদের উচ্ছেদ বন্ধ করা?

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** হ্যাঁ, ঠিক। কিন্তু বীরা দিলা প্রজা বলে দাবী করেন তাঁরা সকলেই ঠিকা প্রজা না হতে পারেন। আর বাজনা না মিলেও জমিতে থাকবেন এটাও আইনের বিধান নয়।

**Dr. SURESH CHANDRA BANERJI:** মাননীয় মহী মহাশয় বলবেন কি, এই ৪৯১টি মামলার মধ্যে কয়টি মামলা ঠিকা প্রজাদের নয়?

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** সেটা আমি বলতে পারি না, আদালত বলতে পারবেন।

**Dr. SURESH CHANDRA BANERJI:** মাননীয় মন্ত্রী মহাশয় বলবেন কি, এই ৪৯১টি মামলার মধ্যে ছোট ছোট বড় মামলা কত হয়েছে কি না?

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** আমি তা off-hand বলতে পারব না। কোন বোকদ্দমা সম্বন্ধে আমার বিশেষ জ্ঞান নেই। তবে রাজ্যে অনেক না দিলে অনেক মামলাই হতে পারে।

**Shaikh MOHAMAD RAFIQUE:** Will the Hon'ble Minister be pleased to state whether the provisions of the Calcutta Thikka Tenancy Act have been found inadequate for giving protection to the landowners to realise the rent from the defaulting tenants?

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** I do not think so.

**8j. DEBENDRA NATH SEN:** With reference to answers (c) and (d), will the Hon'ble Minister be pleased to state as to what is the number the Government thinks to be proper for encouraging the Government to take up the question of amendment of this Act?

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** That is a matter of opinion.

**8j. DEBENDRA NATH SEN:** In view of the answer given by the Hon'ble Minister that 491 is not considered proper, will the Hon'ble Minister be pleased to state as to what number will be considered proper by the Government for undertaking such a measure?

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** What is proper and what is not proper does not depend on the number.

#### **Conditional release of one Radhashyam Dhandhanian on compassionate grounds**

**\*77. 8j. ANNADA PROSAD CHOUDHURY:** Will the Hon'ble Minister in charge of the Judicial Department be pleased to state—

- (a) whether one Radhashyam Dhandhanian, son of Debisahay Dhandhanian, applied for mercy after he was convicted;
- (b) if so, the dates on which—
  - (i) he applied for mercy,
  - (ii) his petition was granted, and
  - (iii) he was actually released;
- (c) how long he had been in jail—
  - (i) as an undertrial, and
  - (ii) as a convict;
- (d) the charges on which he was convicted;
- (e) the terms of imprisonment to which he was sentenced by the Lower Court and by the High Court;
- (f) the circumstances under which he was put up on trial;
- (g) whether Radhashyam Dhandhanian is still under trial on any other charge;
- (h) what were the conditions, if any, of his release;

- (i) how many cases of petitions for mercy were entertained by Government in the year in which the petition of Radhashyam was granted;
- (j) out of these how many were—
  - (i) from Division III convicts, and
  - (ii) from convicts who had received life sentence; and
- (k) whether there was any special consideration made in the case of Radhashyam Dhandhanna; if so, why?

**MINISTER in charge of the JUDICIAL DEPARTMENT (the Hon'ble Niharendu Dutt-Mazumdar):** (a) No, he did not apply for mercy; but a joint petition by his mother and his wife on his behalf was submitted to Government.

(b)(i) 9th May, 1950 (being the date of the abovementioned joint petition).

(ii) 12th September, 1950 (being the date on which the said petition was granted on certain conditions).

(iii) Morning of 20th September, 1950.

(c)(i) He was received direct from the Court on 27th July, 1949, on conviction and not as convict from the undertrial ward.

(ii) 9 months and 6 days

(d) Charges under sections 467 and 471, Indian Penal Code.

(e) Five years' rigorous imprisonment under each of the sections 467 and 471, Indian Penal Code, passed at the High Court Session. The sentences were to run concurrently. Sentence on each count was reduced to two years by the High Court on appeal "in view of the extreme youth of the appellant". The sentences were to run concurrently.

(f) For (1) forging Railway receipts, and (2) using them as genuine for cheating several businessmen.

(g) Yes, it is now learnt, under section 467, Indian Penal Code, but this information was not known at the time of his conditional release on compassionate grounds.

(h) The conditions of his release were that he should execute a bond in the sum of Rs.5,000 with two respectable sureties for the like amount each to the satisfaction of the Chief Presidency Magistrate, Calcutta, for keeping the peace and being of good behaviour for the period of three years or till he attains the age of 25 years, whichever is earlier

(i) 132 cases.

(j)(i) The information is not readily available.

(ii) 20.

(k) The prisoner was of young age at the time of conviction. The Police reports showed that the prisoner lost his father (man of social status and good reputation) when he was a boy of tender age and being so guardianless he fell into evil company and that he had no previous convictions. He was, therefore, a first offender. Considering that he had already served half the sentence making allowance for remission under Jail Code and also considering his young age and the circumstances stated above, he was released on the conditions as in clause (h) with a view to put a social and legal check on his character and his conduct after his release, and to give him one last chance to reform himself instead of leaving him altogether free after the normally due date of his release (22nd May, 1951) to go about as he liked.



**SJ. ANNADA PROSAD CHOUDHURY:** মাননীয় মন্ত্রী মহাশয় বলবেন কি তাঁর উত্তরের প্রথমই (a)তে বলা হয়েছে—a joint petition by his mother and his wife on his behalf was submitted to Government—এই petitionটার বর্থ কি ছিল?

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** Joint petitionএ তাদের পারিবারিক দুরবস্থার কথা জানিয়ে clemency প্রার্থনা করা হয়েছিল এবং দণ্ডিত ব্যক্তির অল্প বয়সের জন্যও clemency চাওয়া হয়েছিল।

**SJ. ANNADA PROSAD CHOUDHURY:** মাননীয় মন্ত্রী মহাশয় বলবেন কি তাকে যখন গ্রেপ্তার করা হয় বা তাকে যখন convicted করা হয় তার বয়স তখন কত ছিল?

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** I have no information as the observation made by the Hon'ble High Court on appeal shows—High Court on appeal reduced his sentence in view of his extremely young age.

**SJ. DEBENDRA NATH SEN:** With regard to answer (g), will the Hon'ble Minister be pleased to state whether the man was actually prosecuted under another section when the mercy petition was granted?

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** No

**SJ. ANNADA PROSAD CHOUDHURY:** মাননীয় মন্ত্রী মহাশয় বলেছেন যে তার tender ageএর জন্য যখন তাকে clemency favour করেছেন এবং তাই জনাই তাকে ছেড়ে দেওয়া হয়েছিল তাহলে তিনি বলবেন কি তার বয়সের কোন অনসন্ধান না করেই ঐ যে High Courtএর বায়ে আছে in view of the extreme youth of the appellant সেই জনাই তাকে ছেড়ে দিয়েছেন?

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** বয়স সন্দেহে Government সাধারণতঃ courtএর সিদ্ধান্তের উপরেই নির্ভর করেন, courtএব সিদ্ধান্তকে প্রশ্ন করা হয় না।

**SJ. SIBNATH BANERJEE:** (G)র questionএ ছিল whether Radhasham Dhandhanian is still under trial on any other charge. তার উত্তরে মন্ত্রী মহাশয় বলেছেন, yes, it is now learnt, under section 467, Indian Penal Code অথচ একটু আগেই বলেছেন, "No, he was not under trial". The inconsistency is rather difficult for us to understand. Will the Hon'ble Minister kindly explain the position whether they came to know of this charge under section 467 after granting the clemency or they were already ignorant of it?

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** As I have already answered, it is now learnt but at the time of consideration of his application no such information was at the disposal of the Government

**SJ. SIBNATH BANERJEE:** But the question is whether he was under trial under section 467, Indian Penal Code, at the time when the clemency was granted

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** Government has no information. I can assure the honourable member I will enquire about that.

**SJ. SIBNATH BANERJEE:** মাননীয় মন্ত্রী মহাশয় দয়া করে প্রশ্নটি বুঝে উত্তর দেবেন কি, যখন fact এক প্রকার আর একটি section বলা হল "clemency is really out of place."

If the section was already there, then, of course, this ignorance is difficult to understand, but still we can appreciate that. But the question is whether he was under trial under that section at the time when the clemency was given. Evidently it was, otherwise he could not have been subsequently prosecuted and if he has done something for which he is prosecuted, then the clemency order should be cancelled immediately.

**Mr. SPEAKER:** It is a hypothetical question.

**Sj. SIBNATH BANERJEE:** It is not a hypothetical question. The position is that he is now under trial and if it is a fact that he is under trial after clemency was granted—if he committed some offence after the clemency, then naturally he is such a bad fellow that clemency was given in ignorance and that should be cancelled. Our presumption is that this case was pending before. My real question is why the Hon'ble Minister exercised clemency without proper enquiry, without knowing how many further cases were pending against him. That is my real question.

**Mr. SPEAKER:** I think the answer is given in (g)—it is now learnt, under section 467, I.P.C., but this information was not known at the time of his conditional release on compassionate grounds. That is what they say. The answer is already given. They did not know it.

**Sj. SIBNATH BANERJEE:** But why proper enquiry was not made? That is an irresponsible action of the Minister.

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** Sir, I shall answer the honourable member. Framing a charge is done by the court and not by the Government. At the time of granting conditionally the clemency petition Government had no information about any charge being framed against him or not and the date on which the present prosecution was launched is also not known—the date, as I said, can be ascertained.

**Sj. SIBNATH BANERJEE:** Why did you not enquire?

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** There was no report of any case before us.

**Sj. ANNADA PRASAD CHOUDHURY:** মাননীয় মন্ত্রী মহাশয় বলেছেন in view of the extreme youth of the appellant—High Court-এর এই যে বার ডাবল্ডর সরকার কোন প্রস্তাব করার দাবী করে করেনি। এই প্রস্তাব করার কথা আমি বলি নাই। আমি জানতে চাচ্ছি Government যখন clemency দিলেন তখন তার বয়স কত ছিল সেটা তাকা জেনেছিলেন কি না ?

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** That is on record in the High Court Proceedings. From that Government derives its information.

**Sj. ANNADA PRASAD CHOUDHURY:** এই order দেবার সময় তাঁরা বলেছেন তাকে ছেড়ে দেওয়া হচ্ছে for keeping the peace and being of good behaviour for the period of three years or till he attains the age of 25 years—যদি বংসর প্রাপ্তের জন্য দিন না তাহলে ২৫ বৎসর হইবে না, ১৫ বৎসর হইবে না, ১০ বৎসর হইবে না কেন যদি জানাই দিন না তবে ২৫ বংসর বনেছেন কি করে ?

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** যে প্রক্রিয়ায় তার clemencyর দাবী প্রদত্ত করা হয় এবং তাকে ছুটি দেওয়া হয় সে প্রক্রিয়ায় High Court-এর বয়স থেকে তার ৯ মাস ৬ দিন মাত্র বেশী হয়েছিল। এই দণ্ডিত ব্যক্তি ১৯৫২র ২২শে মে তারিখে বিনামূল্যে মুক্তি প্রাপ্ত হইত কিন্তু Government বিবেচনা করলেন ঐ দণ্ডিত ব্যক্তি শ্রীমতীর জন্ম দাখলাপত্রের ভিত্তিতে যে তার চরিত্র সংশোধন করা যেতে পারে। “বয়সের” বয়স অনুসারে ২৫ বংসর পর্য্যন্ত করা হয়েছে।

**Sj. ANNADA PRASAD CHOUDHURY:** উক্তের বলা হয়েছে (k)তে “The prisoner was of young age at the time of conviction”—কত বংসর সরকার তাঁনার দাবী করেন করেন নাই। The police report shows that the prisoner lost his father (man of social status and good reputation) when he was a boy of tender age

and being so guardianless he fell into evil company. তাদের যে statement তে তাব পিতৃপুরুষের status জানবার জন্য পুনিশ অনুসন্ধান করা হয়েছে কিন্তু তাকে prosecute করা হয়েছিল ৬ই জুন ১৯৪১ সালে, convicted হন ২৭শে জুলাই ১৯৪১ সালে আর ছেড়ে দেওয়া হল ২০শে সেপ্টেম্বর ১৯৫০ সালে। Additional Chief Presidency Magistrateএর Courtএ ঐ বকম জারিয়াতি করার জন্য আর একটা case হয়েছিল। Police Courtএ এই case দেওয়া হয়েছিল এই সম্বন্ধে পুনিশ কোন অনুসন্ধান করা হয়েছিল?

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** I have no information. At the time of the Police report there was no mention of any such prosecution.

**Sj. ANNADA PROSAD CHOUDHURY:** এই বকম অপরাধীকে ছেড়ে দেবার জন্য পুনিশের কাণ্ডে report চাওয়া হয়েছিল তাব পিতৃপুরুষের পরিচয় দেওয়ার জন্য কিন্তু তাব নিজের বিরুদ্ধে আর কোন অভিযোগ আছে কিনা জানা হন না ঐটা স্বাভাবিক কিনা মণী মহাশয় বলবেন কি?

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** I have no information.

**Sj. JYOTI BASU:** With regard to answer (k), will the Hon'ble Minister be pleased to state whether any special sums were spent by the relations and friends of Dhandhania for getting his release?

**Mr. SPEAKER:** I disallow that question because it offends against rule 27. A question must not contain any argument, inference, imputation, epithet or nominal expression.

**Sj. JYOTI BASU:** On a point of privilege, Sir. You will please listen to the question, namely, whether the relations and friends of Dhandhania—

**Mr. SPEAKER:** It is a question of imputation. You impute, whether it was said clearly or not, meaning thereby that payment was made.

**Sj. JYOTI BASU:** Sir, my question was whether the relations and friends of Dhandhania gave certain monies to charity and other purposes for getting the release of Dhandhania.

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** Government have no information.

**Sj. ANNADA PROSAD CHOUDHURY:** উত্তর (G)তে এখানে বলা হয়েছে, "It is now learnt, under section 457, Indian Penal Code" তাব againstএ একটা মানবা চনড়ে এটা এখন জানা গিয়েছে কিন্তু তখন জানা ছিল না কিন্তু সরকার অবগত ছিলেন কি বা এখন অনুসন্ধান করে জানবেন ৬/৬/৪৯শে অনুসন্ধান আর একটা অভিযোগ দায়ের করা হয়েছিল এবং ৫ই মে ১৯৫০ সালে তাকে চালান দেওয়া হয়েছিল Additional Magistrateএর Courtএ?

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** I want notice, and on notice I shall enquire and find out.

**Sj. ANNADA PROSAD CHOUDHURY:** এ যদি সত্য হয়, তাকে যদি Government কর্তৃক পুলিশের দ্বারা পিতৃপুরুষের পরিচয় নিয়ে ছেড়ে দেওয়া হয়ে থাকে এবং তাবপর সেই লোককে অনুরূপ অভিযোগে অভিযুক্ত করা হয়ে থাকে তাহলে তাকে শাসিত করা এবং তাকে legal checkএ ছেড়ে রাখা কি উচিত হবে?

**Mr. SPEAKER:** Mr. Choudhury, that can't be allowed. That is a hypothetical question.

**Sj. CHARU CHANDRA BHANDARI:** Supplementary question, Sir, মাননীয় মহানী মহাশয় জানাবেন কি High Court তার tender age এর জন্য, on compassionate ground, তার আগে ৫ বছর জেল হয়, সেটা কমিয়ে দু'বৎসর করল। মাননীয় মহানী মহাশয় একটা উত্তরে বলেছেন High Court এর এটা তাঁকা মেনে নিয়েছেন, আবার কেন দু'বছর-দেড় বছর কমিয়ে দিলেন, সেটা জানাবেন কি ?

**Mr. SPEAKER:** Mr. Bhandari, the position is that the High Court reduced the sentence to two years. A mercy petition is always submitted after the decision of the highest Tribunal is made. Therefore, whenever a mercy petition goes to the Government, rightly or wrongly it exercises its own discretion and then either reduces the sentence or rejects the petition. That is the usual course. Your question was already considered by the High Court itself—

**Sj. CHARU CHANDRA BHANDARI:** In reducing the sentence?

**Mr. SPEAKER:** Yes, in reducing the sentence, and you go further and ask why it was further reduced. This means that tender age and all the extenuating circumstances are taken into account whenever the High Court or any Tribunal reduces the sentence.

**Sj. CHARU CHANDRA BHANDARI:** Sir, I am questioning the propriety of such reduction.

**Mr. SPEAKER:** Mr. Bhandari, you must remember that whenever cases go to the court, the court must take into account in passing the sentence the tender age and every other circumstance that is before the court. Still when a mercy petition is made—take, for instance, a man who is sentenced to death—the court takes into account the tender age and all the circumstances and still sentences him to death, and then he makes a mercy petition, and while exercising clemency the Government considers those things which may not be considered by the High Court or, it may be, considered by the High Court. But that is a matter of opinion or judgment on the facts of the case by those people who have to decide it.

**Sj. CHARU CHANDRA BHANDARI:** This is a special case. অন্য এক Government যা করেন এক্ষেত্রে তা করেননি কেন ? এখানে ৫ বছর হল। High Court যা করাল on the ground of clemency পুনরায় কি ground এর অবস্থা করান হল। এটাই আমার question ছিলো।

**Mr. SPEAKER:** Perhaps you are a lawyer. You know everything that whenever a petition for mercy is made, it is only made after the highest Tribunal refuses it. It is never made while there is a course open. This is the last resort of a person, namely, to go to the highest Tribunal. Otherwise it is presumed that simply because the highest Court, e.g., the Supreme Court has decided it, therefore it is a correct decision, there will be no mercy petition at all. As a matter of fact, mercy petitions are made whenever a person does not get relief in the ordinary course of trial.

**Sj. SIBNATH BANERJEE:** Supplementary question, Sir, মাননীয় মহানী মহাশয় জানাবেন কি তিনি যে বলেছেন “yes, it is now learnt,” সেই লেখকের বিবরণ হার একটা case under Indian Penal Code institute আছে—এটা কি জানতে পেরেছেন ? And what is the approximate date ?

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** I want notice about the precise date. It is after the question.

**SJ. SIBNATH BANERJEE:** Supplementary question, Sir, সেটা জানবার পরে যে clemency orderটা cancel করেছেন কিনা ?

**MR. SPEAKER:** Mr. Banerjee, I do not know whether once clemency has been given, it can be cancelled.

**SJ. SIBNATH BANERJEE:** Sir, I would like to make my humble submission.

**MR. SPEAKER:** The position is that once an acquittal of the Court takes place, even then in rare circumstances an appeal is preferred against that acquittal. My belief is that once clemency is given rightly or wrongly, it is not cancelled. But in this case I cannot say. It is a matter between you two.

**SJ. SIBNATH BANERJEE:** Sir, I am going to make my submission to you. If the clemency is unconditional I cannot raise it. But it is not unconditional; it was to keep the peace which he did not keep, and therefore when he has violated the order I want to know from the Judicial Minister whether he has cancelled the order.

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** Sir, you have fully explained the legal position with regard to exercise of prerogative of clemency. I have nothing further to add to what has been stated in the answer.

**Shaikh MOHAMMAD RAFIQUE:** Will the Hon'ble Minister be pleased to state, in view of the fact that it was serious offence, if there was any other consideration for the release of this gentleman besides those mentioned in answer (k)?

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** I have nothing further to add. All the considerations have been stated in the answer.

**SJ. ANNADA PROSAD CHOUDHURY:** Supplementary question; Sir, এই অনুচ্ছেদে বলা হয়েছে, "the conditions of this release are the execution of a bond of Rs. 5,000 with two sureties"

কিন্তু মাননীয় মন্ত্রী মহাশয় এখানে ব বলেছেন—এই question দেবার পরে তিনি কি জানতে পেরেছেন যে তার বিরুদ্ধে আর একটা অনুরূপ ভাল বা ঐকম charge-এর আর একটা case হয়েছে ? তা যদি জেনে থাকেন বা এখন জানলেন তবে যে সর্ভে তাকে release করা হয়েছে সেই সর্ভটা এখনও বজায় রাখবেন না revise করবেন ?

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** No violation of the conditions subsequent to his release has come to Government's notice.

**SJ. JYOTI BASU:** With regard to the words in answer (k) "man of social status and good reputation", will the Hon'ble Minister be pleased to state what special significance these words carry as I have not been able to understand it?

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** The meaning is obvious.

**MR. SPEAKER:** That is not a supplementary question.

**SJ. JYOTI BASU:** When I do not understand the meaning, am I not entitled to know the meaning from the Hon'ble Minister. I do not understand how the forger's father's good reputation can influence the release of his son.

**MR. SPEAKER:** These words convey the usual meaning.

**SJ. JYOTI BASU:** This person's father may have been a pious man but I would like to know—

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** The meaning is obvious.

**MR. SPEAKER:** Incidentally, may I know what has happened to this case under section 467 I.P.C.?

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** Government have no information.

**SJ. DEBENDRA NATH SEN:** In view of the fact that the police suppressed certain valuable reports at the time when this clemency was shown, will the Hon'ble Minister be pleased to state what action he proposes to take against these police officials?

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** The suggestion made by the honourable member is not correct. At the time we received the police reports no such question arose.

**SJ. ANNADA PROSAD CHOUDHURY:** যখন তাকে ছেড়ে দেওয়া হয়েছে ১২ই সেপ্টেম্বর তারিখে ১৯৫০ সালে তার অনেক পূর্বে এই যে ১৯৫০ সালে Chief Presidency Magistrate-এর court Detective Department চালান দিয়েছে এবং তার case আবদ্ধ করা হয়েছে কিন্তু তা সত্ত্বেও তাকে ছেড়ে দেওয়া হল এবং শেষ paragraphএতে বলা হয়েছে।

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** The honourable member is supplying information. What is the question?

**MR. SPEAKER:** I may read out the rule governing the putting of a supplementary question. "It must be asked with the object of eliciting information, it must not contain any argument, inference, imputation, epithet or ironical expression; it must not ask for an expression of opinion or the solution of a hypothetical proposition." Now, the position is this that this matter was discussed, I think, during the Budget debate.

**SJ. ANNADA PROSAD CHOUDHURY:** I mentioned it while speaking on my cut motion but no reply was given at the time.

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** Sir, in reply to that cut motion I stated that I received a question about it to which an answer would be given as early as possible and the answer has now been given.

**SJ. DEBENDRA NATH SEN:** In view of the fact that the Government has now learnt that the man has committed a similar offence, will the Hon'ble Minister be pleased to state whether he is going to forfeit the bond executed by the man?

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** I shall enquire into this question of the pending case and take necessary action if there has been any violation of the conditions of the bond.

**SJ. ANNADA PROSAD CHOUDHURY:** Supplementary question, Sir, আমি বলছি for the information of the Minister, প্রশ্নের এই যে অনুচ্ছেদে আছে "the condition of his release, etc." কিন্তু তাকে ছেড়ে দেবার পরে এই যে খবর পাওয়া গেছে এবং যে খবর সংগ্রহ হল। হয়েছে এরকম কারবার, অথবা বাববার—বিধা railway receipt দেবিয়ে মাল book করা হল বলে ৭৮ হাজার টাকা লাভ করেছে। তিনি বলেছেন এ বিষয়ে তিনি অনুসন্ধান করবেন। অনুসন্ধান করার ফল কি হবে? কিন্তু এই যে অবস্থা—social and legal checkএর জন্য ছেড়ে দেওয়া হল এ রকম আর কতনকে মাননীয় মন্ত্রী মহাশয়ের দৃষ্টিতে তাকে দেওয়া হয়েছে?

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** That is an innuendo.

(No answer.)

(Cries of "answer", "answer" from the Opposite Benches.)

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** The honqurable member is giving information

**Mr. SPEAKER:** What is your question, will you please repeat it?

**Sj. ANNADA PROSAD CHOUDHURY:** এই যে case ছেড়ে দেওয়া হল surety নিয়ে তার বিকল্পে আর একটা মানলা চলাচ্ছে, মিথ্যা receipt দেখিয়ে দু'শত টিন Vegetable যি পাঠাবার জন এবং যাতে ৭,৮৪০৮, টাকা ঠিকিয়ে আদায় কৰেছে—এই যে লোককে ছেড়ে দেওয়া হল social and legal checkএব জন একমুভাবে মন্ত্রী মহাশয়ের মহিৰকালে আর কজনকে ছেড়ে দেওয়া হয়েছে।

**Mr. SPEAKER:** That question does not arise.

**Sj. J. C. GUPTA:** In view of the fact that additional facts have come to his notice, will the Hon'ble Minister consider the desirability of revising his previous order of release regarding this person?

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** As I said I shall look into the matter and if any breach of the conditions takes place, after his release, I shall take necessary action.

**Sj. ANNADA PROSAD CHOUDHURY:** Supplementary question, Sir, তার মুক্তিৰ পৰে যদি এবকৰে কোন ঘটনা হয় surety বাজেয়াপ্ত হবে, কিন্তু একেহে মন্ত্রী মহাশয় কি action নেন, যে লোককে Government ছেড়ে দিলেন সেই লোক আগে অনুরূপ কোন অন্যায় করে থাকে তা কি গুরুতর অন্যায় নয়? এটা যেন তিনি বিবেচনা করে দেখেন।

**Mr. SPEAKER:** That question does not arise.

**Sj. JYOTI BASU:** With regard to answer (h)(i), 132 cases, as has been mentioned there, will the Hon'ble Minister be pleased to state how many have been released and how many were Division III convicts and if any one of them has been released?

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** About the classification, as I have already stated, the information is not readily available and it will take time to find out the information.

(As the Hon'ble the Chief Minister was reading the reply to Starred Question No. 78, the usual question time of one hour was over.)

**Sj. SIBNATH BANERJEE:** Sir, the question time is over now.

**Mr. SPEAKER:** Yes. The question is held over.

#### Non-Official Business.

**Sj. SIBNATH BANERJEE:** Sir, when there is official business before the House it is the Leader of the House who arranges the order paper. As we have non-official business today I hope you will allow us to have the arrangement made as to the order in which the business will be taken up. I would in this connection request you to take the Bills first and then the resolutions.

**Mr. SPEAKER:** I am afraid that cannot be done. A ballot was taken. In the ballot that resolution which comes first has to be taken up first unless and until members choose to rearrange the order by an agreement.

**Sj. SIBNATH BANERJEE:** As regards resolutions they will come as they have been arranged as a result of the ballot but whether the resolutions will come first or the Bills will come first should be within the discretion of non-official members. I would therefore request you to take non-official members' Bills first.

**Mr. SPEAKER:** That is not the discretion of members but that has always been the discretion of the Speaker. Had, however, my attention been drawn to this matter beforehand I could have considered the matter. But now when the order paper is before the House I am helpless.

**Sj. SIBNATH BANERJEE:** I never said that it is our discretion but it is the Speaker's discretion. I request you to take the Bills first.

**Mr. SPEAKER:** You want me to take the Bills first before the resolutions, but the question is that in the agenda the resolutions come first. Therefore the member who is to move his resolution can equally claim that his motion should come first. Ordinarily we follow the agenda paper. Therefore how can I put the Bills first unless and until the members concerned concede to this demand from you?

**Sj. SIBNATH BANERJEE:** I quite appreciate your point, but I request the House through you, Sir, that non-official members' Bills which are four in number may be taken up first. It will not take much time.

**Mr. SPEAKER:** If the House agrees I have no objection.

**Sj. SIBNATH BANERJEE:** Are you going to take up the Bills first?

**Mr. SPEAKER:** The order of today's business can be disturbed only by the consent of the House.

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** Sir, I object to any change in the order of today's business. He should move the resolution first.

**Sj. SIBNATH BANERJEE:** Sir, I beg to move that this Assembly is of opinion that the not-holding of by-elections in the following constituencies, viz —

- (i) Calcutta South (General),
- (ii) Calcutta North (General), and
- (iii) Water Transport Trade Union, \*

is regrettable and that immediate steps should be taken for holding by-elections on the said constituencies.

এ সম্বন্ধে খুব বেশী কথা বলবার নেই। সাহায্য seat বালি ছিল তাই বন্যা প্ৰভাৱেণ্ট বেচে বেচে যোৱানে তাৰেৰে ছেতৰাৰ সন্তাননা আছে, যোৱানে তাৰেৰে সন্তাননা তৰিধা বেশী রয়েছে সেইগুলি তাঁৰা একটাৰ পৰ একটা কৰে নিয়ে election কৰাচেন। কিন্তু যোৱানে তাৰেৰে হাবৰাৰ সন্তাননা শুধু খোল আনা নয়, সাড়ে খোল আনা সেখানে তাঁৰা election কৰাচেন না। সেইজন্য প্ৰথম যখন সাহায্য seat বালি হ'ল তখন তাঁৰা মোটেই election কৰতে ৰাজী হ'ননি, এই যজ্ঞপ্ৰাণে যে শীঘ্ৰে General Election আসছে। কিন্তু যখন by-election আৰম্ভ কৰলেন তখন এই সাহায্য seat এক সঙ্গে আৰম্ভ কৰা উচিত ছিল এবং তাৰেৰে তাৰা উচিত ছিল যে এই electionগুলি যত তাড়াতাড়ি হয় তাই বশেষকৰা উচিত। কিন্তু তা তাঁৰা কৰেননি, তাঁৰা বেচে বেচে একটা-দুটা কৰে কৰাচেন।

আমি বিশেষ কৰে press কৰছি যে এই তিনিটা constituenciesৰ election immediately কৰা হোক। কাৰণ তা না কৰাৰ কোন মুক্তিপত্ৰ কাৰণ নেই। South Calcutta Constituencyৰ এক বছৰেৰে বেশী হ'ল vacancy রয়েছে। North Calcutta 3 Water Transport Trade



Unionএর vacancy তার চেয়েও বেশী দিন seatগুলি খালি রয়েছে। গভর্নমেন্ট ভবসা করে election করছেন না, তার কারণ তাঁরা জানেন যে তাঁরা electionএ হেবে যাবেন। হাববার আশঙ্কা করে এই যে election করা হচ্ছে না, এটা অত্যন্ত দুঃখের বিষয়।

তাঁরা অনেক সময় বলেন যে তাঁদের majority আছে এবং দুটা electionএ জিতেছেন, তাহলে তাঁরা এই তিনটা election করাচ্ছেন না কেন? আসল কারণ তাঁরা ভয় পাচ্ছেন যে এখন 'election হ'লে তাঁরা হেরে যাবেন। By-election যখন হয় তাতে দলীতির চরম দেখা যায়, জনসাধারণ এবং Government servantsদের উপর pressure দেওয়া হয়, school teacherদের পর্যাপ্ত ভর্যে সেখানে হয়, তাদের বলা হয় তোমরা যদি Congress candidateকে support না করো তাহলে তোমাদের চাকরী যাবে। আবার মুসলমানদের বলা হয় তোমাদের পাকিস্তানে তাড়িয়ে দেব। এই সমস্ত বলে জুলম করে অন্যায়ভাবে তাঁরা electionএ জেতেন। কিন্তু তা সত্ত্বেও এই সব জায়গায় তার সুবিধা হবে না। North এবং South Calcutta enlightened constituencies. সেখানে তাঁরা বাববার গভর্নমেন্টকে challenge করেছেন, এই election করবার জন্য, আমি আশা করি এই challenge accept করবার মত সংসাহস গভর্নমেন্টের থাকবে এবং তাঁরা অবিলম্বে এই তিনটা constituenciesতে election করাবেন।

আমাদের আশঙ্কা হয়ত General Electionএর আগে আব Assembly বসবে না। পূর্বে আমরা দেশেছি বছরে তিনবার করে seating হ'ত। কিন্তু বর্তমান গভর্নমেন্ট বাজেট সেশন্স ছাড়া আর তাঁরা বসতে চান না, তাঁরা ভয় পান পাছে বেশী রকম exposed হয়ে যান। একটু আগে ধন্দনীয়ার caseএ তাঁরা exposed হয়ে গেলেন। সে লোক চোর। তার বাপ, পিতামাতা তারা—

**Mr. SPEAKER:** Order, order. With regard to any person outside this House you should not use epithets like "চোর".

**8J. SIBNATH BANERJEE:** I should have said so but I did not say.

**The Hon'ble BHUPATI MAJUMDAR:** He is swallowing his words.

**8J. SIBNATH BANERJEE:** You swallow; I never do that, and then you vomit out.

**Mr. SPEAKER:** What I have to draw the attention of the House to is that whenever an outsider who is not a member of the House is concerned you must not use epithets which are not necessary for the case. You must preserve the decorum of the House by not using epithets with regard to outside people. So far as the mercy is concerned what is the use of using these epithets to an outsider? That is all that I say.

**8J. SIBNATH BANERJEE:** হাঁ, চোর বনেছি। ঐ সাধু লোককে চোর ছাড়া আর কি বলব আমি না। তার সাজা হয়েছিল পাঁচ বছর। তিনবার case হয়েছিল, অতএব ওকে আমি সাধু বনতে রাজী নই। আমি তাকে চোর বনতে চাই। চুরীর chargeএ, যে লোককে আটকান হয়েছিল তাকে পুরো সাজা না দিয়ে ছেড়ে দেওয়া হ'ল—এইগুলো তাঁরা করেন। এই বকমভাবে তাঁরা কাউকে ধরে, কাউকে ছেড়ে দিয়ে এবং নানা বকম সুনীতির দ্বারা তাঁরা electionএ জেতেন—এই হচ্ছে তাঁদের method, অতি ভদ্রন্যায় উপায়ে বাইবে থেকে apply করে electionএ জেতেন। তা সত্ত্বেও তাঁরা এই তিনটা জায়গায় election করতে ভরসা পাচ্ছেন না, পাচ্ছে তাঁরা হেবে যান। আমি তাঁকে challenge করছি অবিলম্বে election করুন এবং জনসভা কোন দিকে তা শ্রুয় হইবে যাবে। এই যে vacancy রয়েছে সেটা filled up হয়ে যাবে, এবং election হলে জনসাধারণের প্রকৃত representative এই হাউসে বসবার সুযোগ পাবে। আজ জনসভা কোন দিকে তা test করবার একটা সুযোগ আমরা চাচ্ছি। যেমন হাওড়ায় দেখেছি জনসভা কোন দিকে তেবনি এখানেও দেখতে চাই জনসভা কোন দিকে তার একটা test হয়ে যাক। আমরা যদি democratic right of this House and the Province চাই তাহলে যেখানে vacancy রয়েছে

সিটা অবিলম্বে filled up কৰা উচিত, এবং এতে জনমত কোন দিকে তা প্ৰকাশ হোক। General Election-এৰ সেই আছে তেনে কয়েকটা seat-এৰ by-election টাৰা কৰেছেন কিন্তু এই বাকী তিনিটা seat-এৰ election কেন টাৰা কৰাচ্ছেন না।

আমি দাবী কৰছি অবিলম্বে সেইগুলিৰ election কৰান হোক। আমাৰ resolution হয়ত গভৰ্ণ-মেণ্টৰ সৰ্বসাধিকৰণৰ ভাবে rejected হয়ে যাবে। কিন্তু আমি আশা কৰি যে challenge টাৰেৰ উপৰ throw কৰা হয়েছে সেই challenge টাৰা accept কৰবেন এবং অবিলম্বে এই হাউসেৰ election কৰাবেন।

**Sr. JYOTI BASU:** Mr. Speaker, Sir, in supporting this resolution moved by Sri Srinath Banerjee I should like to point out to the Government that they have already held four elections and the way the elections have been held should be an eye-opener to everybody. What were the constituencies chosen by the Government? The constituencies were such where the Government were more or less certain that they would put up a fight because, Sir, they knew that if they held the elections in Calcutta the police force and other resources of the Government, could not be used because public opinion would immediately be mobilised against the Government. But in far away places you can use Civil Supply trucks, you can use the police forces to intimidate the voters and you can do many other things which the people would not notice and would not be brought to the notice of the public generally through the papers. That is why I think the constituencies have been chosen in such a way that the Government were sure that they would put up a fight. But in South Calcutta, or in North Calcutta they know that the defeat which they got last time at the hands of the anti-Congress candidate would have been repeated. If they doubt me they can hold elections within a very short time and they would see the results. Why I say this is because I have got facts, telling facts from the Howrah Municipal elections. It is very near Calcutta. There we found that the Government had to take recourse to police action, to *lathi* charges, to firing, but the Congress was defeated. If a little bit of democracy was observed there, I am sure that the Congress would not have got a single seat in the Howrah Municipality. But of course we know that the powers that be, the Government which is in power, specially a Government of the kind which we have in West Bengal, do not believe in democracy and therefore Howrah was an instance where we saw perhaps the nature of the coming general elections. Of course, if elections are going to be held in this manner through *lathi* charges and firing, then I do not know where we shall land in the general elections in West Bengal and in other parts of India, but as I stated many times to the Ministers sitting opposite "ensure us a little bit of democracy, if not the fullest democracy, and we guarantee you that the Congress will not get a single seat anywhere in West Bengal with adult franchise". Now only 13 per cent. of the people have got votes but despite that we know that if near about Calcutta elections are held and democracy is ensured, even with 13 per cent. franchise we can defeat the Congress. That is why, Sir, we suggest that even before the general elections these seats should be filled up in South Calcutta, North Calcutta and Water Transport Trade Union constituencies.

We also know that the Government and the Congress organisation take recourse to other methods in elections, during counting of votes and so on; that is, they did not ensure fair elections as we saw in Malda, Dinajpur and in other places and from innumerable places reports have come to us that there was some sort of cheating before the counting of votes. The Congress told us here in this House that they are the representatives of the people and so, they need not listen to us, they need not heed resolutions

passed at huge public meetings and rallies. If this is a fact, well we should have nothing to say. I know that the way in which elections are held it is very difficult for us to defeat a Government which is in power. That has been our experience, that is the experience which history has taught us not only in our country but in other countries.

Sir, I have personally visited many of the districts of West Bengal. I have seen there that the vast majority of the people—and I am emphasizing the words “vast majority”—have turned against the Congress. I myself had no idea that the Congress has lost its hold in this manner in the country outside. I thought that it was only in the cities that the Congress has lost its hold but when I visited villages this time I found that the general people, specially the poorer sections of the people, people who have no vote today—80 per cent. or 85 per cent. of the people—they are bitterly critical of the present Congress Government, and therefore, Sir, even though I know that it will be impossible probably for any opposition party to defeat a Government in power through elections, still I say that if free and fair elections on adult franchise are held, we can defeat the Congress. Hence with regard to this particular resolution brought by Sri Sibnath Banerjee, I am sure, if there is free election in Calcutta with this 13 per cent. vote, we shall definitely defeat the Congress.

I think the Government should accept our challenge and hold the elections in North and South Calcutta. Let them ensure a little bit of freedom, let them not use their police force and their bullets. And we are sure that we shall defeat them, because there is not a single student, a single worker, a single person of the middle class or any other section who will vote for the Congress. I know that during Sri Sarat Chandra Bose's election, even Government officers voted against the Congress candidate. I know that this time also the same result will be there. Therefore, Sir, I wholeheartedly support this resolution and I am sure the Congress Government, the Ministers sitting there will not oppose this election if they dare to accept our challenge.

(At this stage the House was adjourned for 15 minutes.)

(After adjournment.)

**Janab A. M. A. ZAMAN :** মাননীয় স্পীকার মহাশয়, আমার বহুদিনের পুরানো বন্ধু শ্রদ্ধেয় শিবনাথ বাবু যে motion এনেছেন আমাকে যে স্বাক্ষর কিছু বলতে হচ্ছে। (Voice বে বলছে আপনাকে বলতে ?) কারণ এটা বুঝা উচিত দিন কোন সময় কি হয় ? যেমন আজকর বাদলা দিন বৃষ্টি পড়ছে, জোব করে বোদুব আনতে চান তা হয় না। ঠিক এমনভাবে এই motionটা আবে আপগই আনা উচিত ছিল। এ দু'টি seat এর election সম্বন্ধে তিনি রপেছেন এটা আবে আপগই বলা উচিত ছিল। কিন্তু বলেননি, হয়ত মনে করেছিলেন যে election এ পাবকো কি না সন্দেহ আছে। আজ হাওডায় election চিতেছেন তাই খুব উৎকুল হয়েছেন। এটা শিবনাথ বাবুর জন্য কতটা কি হয়েছে তা বলতে পাচ্ছি না। Election সম্বন্ধে আমার একটা পুরানো গল্পের কথা মনে পড়ে। আমাদেব গুমের একটা ডেলে মজার জিনিষ খাবার জন্য হাটে যেতো। তার বাবা দেখলেন এ যে বড় মুক্তিরের কথা। কি করা যায়। তারপরে একদিন হাটে যেয়ে তেঁতুল আর কাঁচা লক্ষা কিনে দিলেন। তা খেয়ে বাচাধন আর গুদিকে যেতে চাইল না। (Laughter.) শিবনাথ বাবুও মনে করেছেন রোজ বোজ হাটে যেয়ে মজা খাবেন। একটা election এ জিতেছেন তাই ভেবেছেন সব election ই জিতবে। তাঁর মিনিটাবী করবার ভাণ্ডা তার হবে কিনা জানি না তবে কাঁচা লক্ষা খাওয়াই যে সাব হবে সেটা বলতে পারি। আর কি এমন জেতা ? ১৪টা ১৬টা seat পেয়েছেন আবার তার মধ্যে একটি তো independent কুমার পাতিল গড়ে, সেই পাতিলে আঠা দিয়ে জোতা গিলে আঠা খুলে যেতে পারে। কাজেই জল তাতে থাকে না জল পড়ে যেতে পারে। এই সত্য কথাটা যেন তিনি চিন্তা করেন। কাজেই সেই দিকে উৎসাহ না হয়ে শুনা দিকটাও আবেন। কারণ আরও তিনটা জায়গায় election হয়ে

পেছে। তার জন অবশ্য আপনাবা জানেন। ওরা হয়ত বলবেন সেসব মুসলমান seat আরবা সেখানে কাজ করতে পারিনি। মানন্যের election—সেখানে তারা কত শোচনীয়ভাবে পরাস্ত হয়েছেন। ভোটার সংখ্যা কত তফাৎ—কোথায় ৬ হাজার আর কোথায় ১০ হাজার? সেখানে তাবাতো কম তোড়জোড় করেননি। বাতাবাতি তারা student এবং labourকে হাত করার কত চেষ্টা করেছে তার হিসেব নেই এবং সেখানে কত বোকামি পেছে তার হিসাব নেই। এইমত অবস্থা। শিবনাথ বাবু Assemblyর বাজেট ফেলে election নিয়ে যেতে বসেছেন। প্রত্যেক কথায় তিনি challenge করছেন। এখন হাট্টে যাবার মত? Challenge করছি বললেই হল। Challenge করলেই হয় না। Challenge পছন্দ নিয়ে করতে হয়। তারা এই যে refugeeদের নিয়ে সেবা অফিস করতেন এবং Monument এবং Wellington Squareএ যে meeting হল, তাঁরা জানেন এই এসেকায় সেখানে ১৯৪৪ ধারা ব্যতীত procession নিয়ে এলেন, তারা জানেন যে এটা break করলেন। এটা মিনিষ্টারী করেছেন আর ৪১০ হাজার বোকাম নিয়ে এলেন, বলেন কি সেবা করতে এসছি আরে বাবা, সেবা করতে এসে কি এত বোকাম নিয়ে আসতে হয়? কাজেই জেনেজান তারা break করছেন ১৯৪৪কে। এই refugeeদের নিয়ে তারা সেবা করতেন। শুধু একমিকে নয় চারমিকে চুটিচুটি করতেন। কিন্তু refugeeদের জন্য তারা কি করতেন এত যে দরদ দেখাচ্ছেন? Governmentই তাদের জন্য একটি কোটি টাকা খরচ করেছেন। তারা এঁরা তাদের ক্ষতিয়ে যখননাশের পথে এগিয়ে নিয়ে যাচ্ছেন।

**Dr. SURESH CHANDRA BANERJEE :** On a point of order, Sir. What has this resolution got to do with the position of the refugees? Is he relevant?

**Mr. SPEAKER :** Please speak on the point.

**Janab A. M. A. ZAMAN :** হাজেদ Municipalityর অবস্থা সেবে এঁরা খুব উদ্ভ্রম হয়েছেন এবং এখন কলকাতা সহরের বোকাদের ক্ষেপিয়ে তুলবেন মনে করতেন। এজন্য ১৯৪৪ ধারা break করতে চাইছেন।

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কলিকাতা সিউনে ইলেকশন হবার জন্য এঁরা যে চ্যালেঞ্জ করেছেন, সেই চ্যালেঞ্জটার মানোটা কি? এঁরা কি সত্যি মনে করেন যে আজ কলিকাতা সিউনে যে লক্ষ লক্ষ বিফিউজি রয়েছে, যারা বেঁচে পরতে পাচ্ছেনা, তাদের ক্ষেপিয়ে এখানে কিছু একটা ওটা পানি করতে পারবেন? আমি সত্যি কথা বলি। এঁরা যখন মিথ্যা কথা বলেন, আমবা চুপ করে তুলে যাই। সত্যি কথায় যা লাগতে পারে কিছুটা। যতক্ষণ ইন্ডেট সিটিং চলুক, আমি মাত্র দু'চাবটি কথায় সমর্থন করিয়ে দিতে চাই যে এক সঙ্গে এক জেলে এক সময় ডিলাম আমরা। কে করে নববো, তার যখন ঠিক নেই, তখন সত্যি কথাই সবার বলা উচিত।

**Dr. SURESH CHANDRA BANERJEE :** On a point of order, Sir. মাননীয় সদস্য কি শ্রীকার মহোদয়ের শাসনের বাইরে?

**Mr. SPEAKER :** Mr. Zaman, please try to confine yourself to the resolution.

**Dr. SURESH CHANDRA BANERJI :** On a point of order, Sir, is he relevant?

**Mr. SPEAKER :** What I have stated already is that the honourable member should confine himself to the motion before the House. He should not go astray.

**The Hon'ble Dr. BIDHAN CHANDRA ROY :** Sir, you have allowed the other Speakers to refer to the elections at Malda and West Dinajpur and Howrah, and why do you stop other persons from referring to these elections?

**Dr. SURESH CHANDRA BANERJI :** Because the resolution is about these elections.

**Mr. SPEAKER :** Order, please.

**Dr. P. C. CHOSH:** The honourable member is referring to the refugee procession. How does it come in?

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** Sir, the object of the speaker seems to be and he wants to show that, if the elections are held now, the refugees would be utilised as they have been utilised the other day.

**Mr. SPEAKER:** The position is this that whenever a motion is before the House, we have got to be relevant to the subject-matter of the resolution. Incidentally we bring in a certain amount of extraneous matters but those extraneous matters should be brought in in a manner in which they do not become absolutely irrelevant.

The next point is, whenever a member is irrelevant or breaks any rule of the House, if an objection is raised at once the question can be decided then and there. Whenever an objection is raised, I have got to do something with regard to that objection. If a member is irrelevant I cannot say that he is irrelevant because another member has spoken something not relevant. That is my difficulty.

There is another thing which I find in our House and that is that we have formed a habit to attribute motives to this side or that side while speaking. As you all know the moment you attribute motives it brings in acrimony. Now, with regard to Malda elections and elections in other places, I can say that this becomes relevant because the mover says that Government have chosen and held elections in these constituencies but they have not held elections in other constituencies because they were not better placed in those constituencies. Now it is a very difficult thing to ascertain what is relevant and what is not relevant. Mr. Zaman could allude to those things while speaking if he knew the mode of putting things relevantly before the House. If a member dwells too much upon the refugee problem while discussing this resolution it would be out of order. Therefore it all depends upon the method and mode of putting things before the House.

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** May I point out to you that one of the honourable members, when he was speaking on the resolution, referred to the South Calcutta election and what happened in the past and what coercion was applied and so on and so forth, which had no concern whatsoever with the resolution before the House, but nobody on this side objected to such extraneous matter then. Now if you put a premium on an objection raised by an honourable member of the Opposition to some such reference made by another honourable member of this side, my friend Mr. Sibnath Banerjee would be the *prima donna* with regard to that because he objects at every stage.

**Mr. SPEAKER:** I am sorry, but the position is that he does not object or has not objected to such references.

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** If you allow one objection to prevail, then there will be plenty of people on this side to raise objection whenever a member of the other side while speaking on a subject brings in extraneous matters not relevant to the subject, and, if it was done, there will be reaction on the other side and there will be mutual recrimination caused thereby. If one party or a member of that party tries to throw mud at another party, that party or that member must expect that the same mud would be thrown back at them or him by the other party when its turn came.

**SJ. SIBNATH BANERJEE:** I do not object to the Chief Minister describing me as the *prima donna* (laughter).

**MR. SPEAKER:** If I am left to myself I would request members not to attribute motives to other honourable members. The moment attribution of motives comes in mutual recrimination sets in and the whole trouble begins.

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** I agree but may I humbly suggest to you that, in that case, whenever you hear a particular person attributing motives to the other side, you should pull him up as far as it is possible within your power to do so.

**MR. SPEAKER:** Of course it is the Speaker's duty to follow every speech made in the House and to check the speaker when he went away from the point or from the subject before the House. But sometimes it so happens that the Speaker either misses the irrelevancies cropping up in the speech or he himself does not like to disturb the speaker even if his speech at some places was not relevant to the subject-matter before the House, unless some other member objected to such irrelevancy, and if any member felt that an objection should be raised when the member speaking went astray, the objection should be raised then and there so that I could check the member if really his observations at the time the objection was raised were irrelevant.

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** I have often felt that objection should be raised to certain observations made by certain members at certain times but I did not intervene because I thought that they were passing things and also because I did not want to disturb the peace of the House by interrupting here and there and also because if I did so, the other side, rightly or wrongly, would go on interrupting this side and there would be mutual recrimination caused thereby.

**Janab A. M. A. ZAMAN :** Mr Speaker, Sir, আমি যে মানদণ্ডের কথা বলেছিলাম, যেমন 'ঔনারা দেবিয়েছিলেন, সেখানে ইলেক্সন হয়ে গেছে, এখানেও ইলেক্সন হওয়া দরকার। আমি দেখাতে চাচ্ছি যে মানদণ্ড ও কলিকাতা সমান জায়গা নয়। মানদণ্ডে রিফিউজি নাই বললেই চলে, আর কলিকাতায় লক্ষ লক্ষ রিফিউজি রয়েছে। যেমন এর আগে দেবিয়েছিলাম, ডাঃ বানার্জী ১৪৪ পাতা break করবার জন্য ক্ষমতা পেয়েছিলেন এই প্রবীণ নিবীহ রিফিউজি লোকদের ভূমিতে নিয়ে এসে, আর যদি কলিকাতার উপর ইলেক্সন হয়, তাহলে ঠিক এমনই হবে, এমন কি একটা communal riot হরত হয়ে যেতে পারে এবং চারিদিকে সোঁতা চড়িয়েও যেতে পারে। কাজেই এ ব্যাপারে শিবনাথ বাবুর চাইতে গভর্নমেন্টের দায়িত্ব অনেক বেশী। ধারাপ কিছু হয়ে গেলে সব স্বাক্ষর, সব দায়িত্ব তখন গভর্নমেন্টকেই নিতে হবে। একজন challenge করবেন বা বলবেন, অমনি সেমিকে ছুটে গেলেই চলবে না। চিন্তা করে দেখা দরকার, ধীর-স্থিরভাবে বিবেচনা করা দরকার যে ইলেক্সন বর্তমানে হ'তে পারে কি না? 'ঔনারা বলছেন যে General Election এর আর যখন কয়েক মাস বাকী আছে, তখন আর এই ইলেক্সন হবে না। যদি তাই হয়, তাহলে motion withdraw করে নিয়ে না হয় আরও কিছুদিন অপেক্ষাই করুন। আগামী ইলেক্সনের সময় পর্যাপ্ত স্ক্রী হবে তো ভালই হয়। শুধু শুধু আর energy নষ্ট করবেন কেন? অনেকে চাচ্ছেন তাড়াতাড়ি Session শেষ করা হোক। আর এর মধ্যে রিফিউজিদের যে পাওনা পত্রা আছে, সেগুলোও নিতে বাক্য। 'ঔনারাও যে ধীর জায়গায় ঠিক হয়ে বসুন, তারপর ইলেক্সন হোক, কি কন হয় দেখা যাবে।

এখানে কতকগুলো কথা বলা হয়েছে ইলেক্সনের সময় গভর্নমেন্ট থেকে পুলিশ ফোর্স রাখা হয় ইত্যাদি। আমি তাঁদের জিজ্ঞাসা করতে চাই—তাঁরা কি সব ভাবান হয়েছেন, না শাধু হয়েছেন? আমরা টু পল বা থানা-পালি করলে, বা কেউ শালা বললে, 'ঔনারা শালা বলবেন না, তাই বলে চলে যাবেন? 'ঔনারা কি করনও একথা বলেছেন যে ইলেক্সনের সময় কেউ আমরা স্বগড়া করবো না? 'ঔনারা হাত জোড় করে বলবেন ভাই,

ভোট দেবেন। সুতরাং যদি ইলেকশনের সময় কোন মাঝামাঝি হয়, তাহলে তার জন্য লম্বির নেবে কে? গভর্ণ-মেন্টের ফৌজ থাকবে না, গভর্ণমেন্টের পুলিশ থাকবে না। আমরা জানি এটুকু আপনাদের ক্ষমতা আছে লোককে অপমানের, লোক পাগল করার ক্ষমতাও অনেকের আছে। কিন্তু শাস্ত-শিষ্টা কারো পাওনা তাকে পাইয়ে দেওয়ার ক্ষমতাও আমাদের নয়, সে ক্ষমতা একমাত্র গভর্ণমেন্টের আছে। সেই গভর্ণমেন্ট ছাড়া ভাল করার আর কারো ক্ষমতা নাই। লোকের সর্বনাশ করা, দূষণ করা, যা করা হচ্ছে, তা করা উচিত নয়। আমি শুধু ব্রজি মতি-স্তব্ব করার দেশের বর্তমান পরিস্থিতি দেখে লোককে না কেপিয়ে দেশে যাতে শান্তি প্রতিষ্ঠা হতে পারে, দেশে যাতে বর্তমান দূড়াক্ষের কবলে না পড়ে তা সকলের করা উচিত। অবশ্য এই সম্পর্কে একটা বিন গার্লি দু'চার দিনের মধ্যে এই হাউসে আসবে। কাজেই আমি আজকে এইটুকু বলতে চাই—আপনারা দেশের লোককে আর সর্বনাশের পথে না নিয়ে সত্যিকারের পথের সন্ধান দিন, সত্যি কথা বলুন। গভর্ণমেন্টকে বলুন, তোমরা তল করো, তুল পথে যাওয়া উচিত নয়, এই পথে থেলে ভাল হয়। এইভাবে point by point তোমাদের যাওয়া উচিত। আপনারা শুধু গানগানি শিরেছেন। যে মহান ত্যাগ ও কষ্ট স্বীকার করে এই স্বাধীনতা আমরা সংরক্ষণের হাত থেকে পেয়েছি, সেই কষ্টজিত স্বাধীনতা আবার যেন ঘনো হাতে তুলে দেবার জন্য সেইসকল কোন সর্বনাশ না করেন। একটু চিন্তা করুন কিভাবে কি করা যেতে পারে। ১৪৪ ধারা break করে যে ভাবে procession নিয়ে এসেছিলেন, সেখানে একটি গুলি চলে নাই। কিন্তু আপনারা যখন Minister ছিলেন, তখন আপনাবাট একজন নিরীহ Red Cross Ambulance-এর কবীকে গুলি করে মেরেছিলেন। নিজেদের যে কলঙ্ক সোটা একটু চিন্তা করে দেখা দরকার হয়ে পড়েছে।

আপনারা হাওড়া যেটা পেয়েছেন সেই কাঁচা লব্ধা আর তেঁতুল থেকে তৈরী, স্বাদ কেমন লাগে। তারপর অন্য জিনিষ দেওয়া হবে। আর বিকিউজনের নিয়ে তিনিমিনি খেলবেন না, তাদের কেপিয়ে আর কোন বিশ্বাস্য স্ট্র করার চেষ্টা করবেন না। তাহলে হয়ত আগামী ইলেকশনও পেঁচিয়ে যেতে পারে। তা যেন, না হয়। দেশের যাতে শান্তির আবহাওয়া বজায় থাকে, তারজন্য গভর্ণমেন্ট যথাসাধ্য চেষ্টা করছেন। আসুন আমরাও চেষ্টা করি দেশে শান্তির আবহাওয়া যাতে আসে এবং নাভৈরবের ইলেকশন যাতে ভালভাবে করতে পারি। তাই শিবনাথ বাবুকে অনুরোধ করছি তিনি তার প্রস্তাবটা দখা করে withdraw করে নিউ।

**Janab S. M. ABDULLAH :** মাননীয় স্পীকার মহোদয়, আমাদের নতুন শিবনাথ বাবু প্রস্তাব করেছেন যে South Calcutta, North Calcutta এবং Water Transport ইলেকশন হওয়া দরকার। স্বাধীন হয়েছে সত্যি। সকলেই চায় দেশ সমৃদ্ধিশালী হোক, দেশে শান্তি প্রতিষ্ঠা হোক, এ বিষয়ে সকলে একমত যে জনসাধারণের উন্নতির জন্যই এই স্বাধীনতা এসেছে। আমি শিবনাথ বাবুকে জিজ্ঞাসা করছি সত্যিকার তিনি শূণ্য থেকেই বলেছেন, সত্যিই তিনি ইলেকশন চেয়েছেন? তা যদি হয় তাহলে দেশের মধ্যে শান্তি থাকা একান্তই দরকার। আজকে নানা অজুহাদের মধ্য দিয়ে এই বিকিউজনের নিয়ে আপনারা political game খেলছেন। বর্তমান আবহাওয়ার মধ্যে যদি কোন ইলেকশন করা যায়, তাহলে এই আবহাওয়া আরও ধারাপ হয়ে পড়বে। সুতরাং সেজন্য তাঁরা সাহায্য করুন যাতে শান্তির আবহাওয়ার মধ্যে ইলেকশনটা ভালভাবে নিরাপদে হতে পারে। জোতি বস্ত্র ও আরও অনেকে এই গভর্ণমেন্টকে challenge করেছেন এই House-এর মধ্যে। Opposition থেকেও বলা হয়েছে যে বর্তমান গভর্ণমেন্ট জাতীয় গভর্ণমেন্ট নয়, এই গভর্ণমেন্টের উপর বাংলাদেশের একটা নবাবীরও বিশ্লেষণ নাই। কিন্তু আমি তাদের challenge করছি তাঁদের জ্ঞান ও বিবেক নিয়ে বলুন, এই যে by-election হয়ে গেল এবং চেয়ে তাঁরা কি আর পরীক্ষা চান গভর্ণমেন্টের উপর জনসাধারণের বিশ্বাস ও আস্থা আছে কি না? একজন কৃষক-পুজা-মজুর পাতিব জামানতের টাকা পরীক্ষা যাচ্ছেনা, হয়ে গেছে। তাহলে কি বলতে চান যে দীর্ঘ ভোট দিয়েছেন তাঁরা দেশের মানুষ নন, কংগ্রেসের লোক নন, তাঁরা বাইবেব লোক? সেই জন্য বন্ডি কোন দিক দিয়ে জনসাধারণের মন যাচ্ছে, তা চিন্তা করে দেখা উচিত, এইভাবে কথা বলা উচিত নয়।

আপনারা হাওড়া ইলেকশনের কথা বলছেন, আমিও সেখানে তিনাম ত্রিম সমস্ত কিছু জানি এবং শিবনাথ বাবুও জানেন। সেখানে তিনি হেবে গিয়েছেন। এই ইলেকশন সম্বন্ধে বলা হচ্ছে কংগ্রেস সেখানে মাঝামাঝি করেছে, গুলি করেছে। আমি সকল আঁচরা থেকে বিকল পাঁচটা পরীক্ষা হাওড়া হাটে জিনাম। আমি দেখেছি কংগ্রেসের volunteerরা শাস্ত-বিবভাবে ছিল। শিবনাথ বাবুর লোকেরাই ক্যাম্পে ইন পাইকল ফেলেন। এবং মাঝামাঝি করার চেষ্টা করেছে। কিন্তু দুঃখের বিষয় শিবনাথ বাবুর পাতিব লোকের সঙ্গে কেউ সাড়া দিলে

না। যাতে কোন ভোটাৰ কংগ্ৰেচকে ভোট দিতে না পারে তাৰ চেষ্টা তারা কৰেছিল। আমি জনতে পাই যে তেৱশো ভোটাৰেৰে মध्ये একটা ভোটাৰও শিবনাথ বাবুৰ পক্ষে ভোট দেন নাই। দিক গাড়ে তিনিটাৰ সময় দেখি একটা লোক এই বলে চীংকাৰ কৰছে যে কৰে পাকিস্থান জোৰ কৰে এনেছি, সেইভাবে ভোটও আমবা জোৰ কৰে মানাৰাৰি কৰে জয় কৰে আনুৰো।

কাজেই হাওড়াতে নিজেৰ চক্ৰে যে incidents দেখেছি, তাতে আমি বনতে পাৰি যে Howrah election-এ বুৰ unfair means adopt কৰা হয়েছে। Government took recourse to unfair means and other methods নিজেদেৰ candidate নিৰ্বাচনেৰ জন্য কিন্তু আমি challenge কৰছি তিনি দেখান কোন জাৰণীয় Government unfair means adopt কৰেছেন? তাঁৰা Government দৰল কৰতে চাইছেন নিজেৰাই একটা political game খেল নিজেদেৰ হাতে শক্তি নিচে চাইছেন তাদের এটা একটা ভুয়া কথা। Government-এৰ পক্ষীয় লোকদেৰ ও Ministerদেৰ কোন শক্তি নাই। একথা সত্য নহ। তাঁৰা নিজেৰাই একটা meeting পৰ্য্যন্ত কৰতে পারে না। তাদের আজ এটা বোঝা উচিত। এই তিনিটা election-এ আমাদেৰ Opposition memberদেৰ চোৰ বুৰে দেবে এৰ তাঁৰা বুঝতে পাববেন যে কোন দিৰে বাহাগ বইচে। এই যে তিনিটা election আমবা চেমেচি-নাম ব গ্ৰুপেৰ নিশ্চয়ই তৰ যে আদৰ্শ নিভৰ কৰে আছে তাতে কংগ্ৰেচ যক্ষৰ হবে। এই Government যাঁৰা চাইছেচোন তাঁৰা কি এই দেশেৰই স্থাপন নহন? Opposition member-ক চান যে refugee problem must be solved কিন্তু এই Government-ই বি এৰ জন্য চেষ্টা কৰেচোন না? মানব-এৰ জন্য তাঁৰা কি কাজ কৰেচোন না? গতাই যদি আপনাৰা দেশেৰ উপকাৰ কৰতে চান, আহুন মানব-এৰ নামে Government-কে সাহায্য কৰন। তাঁৰা নিশ্চয়ই চান না refugeeদেৰ বুৰে দিতে কিন্তু এতিবকমভাবে যদি refugee-কো পাৰে তাহেলে Government-ও চৰতে পাবৰে না, Government এদেৰ একটা আইনেৰ মধ্যে, শৃংখাৰ মধ্যে বাৰতে চাইছেন আৰ Opposition চাইচে এদেৰ উচ্চাখন কৰে Government-কে বানচাৰ কৰতে। এদিকে জনসাধাৰণেৰও আজ জ্ঞানচক্ৰ বুৰেচে এৰ refugeeদেৰও অধিকাৰেৰ চোৰ বুৰে গিয়েচে, তাৰা আৰ এই সমস্ত ভুয়া কথাৰ কৰ্পাপাত কৰবেন না।

**Sj. DEBENDRA NATH SEN:** Mr. Speaker, Sir, primarily the question before us is not as to which party will win if an election is held—that is also not in the resolution. The question primarily is that when by-elections in other constituencies are being held, why by-elections in such important constituencies have been left out? Government have not given any reason—they must have reasons of their own but they have not given any reason. The reason given by one of the speakers who just spoke before me certainly is the very reason why by-elections should have been held because the refugee problem is a problem that is a vital issue before the people of Calcutta, before the people of Bengal and if an election had been held in Calcutta where this refugee problem has become so acute and vital, then all the parties concerned, the public concerned, the Government concerned, could have come to learn as to what is the attitude of the public towards this Bill. So, primarily the question before us is that Government should have given us reasons why when by-elections have been held in so many constituencies, these three important constituencies have been left out.

Sir, let me scan the constituencies. The first two—the Calcutta South and the Calcutta North—are the two constituencies which belong to Calcutta, to the capital of this State. I want to lay emphasis on this fact that these two constituencies belong to the capital of this State and if we do not ascertain the opinion of the citizens of the capital, then I think we do injustice to them, we do injustice to ourselves. It is not a question as to which party will win—that is a side issue, that is not in the resolution. In an election any party may win. That is not the point here. The point is why should Government leave out the two constituencies which belong to the capital of the State and, moreover, at a time when so many big issues are before us. What are the big issues before us? The first one



is the Calcutta Corporation and the representatives from Calcutta are not being asked to come here—are not being given an opportunity to come here—when this very important Bill is being discussed. Certainly, that seems to me very unnatural and if Government have their cogent reasons, they should let us know. The second issue that is agitating us is the question of the Calcutta University. That Bill also is before us and the people of Calcutta—people who really mould the opinion, people who are really so much interested in the Calcutta University—are not getting an opportunity of coming here and placing the view-point of the people of Calcutta. Then also there is the question of the refugees themselves. If the Bill is all right, if the Bill is approved by the bulk of the majority, then here was an opportunity given to the Government. Let them not hear Dr. Banerji, let them not hear the Opposition, let them go before the general public for which an opportunity is there and ascertain what is the opinion of the Calcutta public with regard to the Calcutta University Bill, with regard to the Calcutta Corporation Bill and with regard to the refugee problem. All these issues would have inevitably come into the picture if by-elections had been held, particularly in these two constituencies—I mean the Calcutta South and the Calcutta North. Calcutta North is more important from another point of view. This gentleman has not died—he is alive. He has left, he has resigned with a challenge. That challenge was thrown to the Government—not to the Opposition. It was thrown to the Government, to the Congress. Therefore, it was up to the Government to take up that challenge and get the vote of the people. It is not a question of the Opposition coming here and trying to do some mischief. This is hard logic, this is hard fact. Government should reply to the points which are agitating the minds of the people of Calcutta. Why are they leaving out these two important constituencies? This is creating confusion, this is creating suspicion in the minds of the people. It is not my speech, it is not the speech of anybody else that would create suspicion, but it is the leaving out of these important constituencies that has roused very grave doubts, that has roused suspicion in the minds of the people of Calcutta. There is no doubt a feeling that the Congress had attained its peak in 1946 and since then the Congress is going down. Therefore, we would like to know, the people would like to know, whether it is a fact or not. Therefore, the real question is not whether Dr. Banerji is coming to power or Dr. Roy is coming to power. That is not the view-point of the people here. People want to know whether this is true, whether this feeling in them is true or correct that the Congress did reach its peak in 1946 when even a lamp-post would have got returned on Congress ticket. Whether that feeling still exists or not, the signs are that it is not. I do not like to cite examples. Everybody here knows that if a by-election is held not only in Howrah but in many other places, the Congress will not dare to set up any candidate—I do not say that the Congress will not win—but they did not do it—that fact remains and where the Congress stood in many of the Municipal and Corporation elections, they got defeated. That fact is there. We have also had many elections in union boards and in union board elections in many places the Congress got defeated. I do not say that the other party always wins—the Krishak-Praja-Majdoor Party has also suffered defeat in many elections. This is the fact. But people want to know, since an opportunity came, why should not Government take that opportunity of ascertaining or verifying as to which way the wind is blowing in Bengal—particularly in the capital. Therefore, from this point of view I support this resolution and if Government feels that it has a majority—as some of the speakers against the resolution want to maintain—then that is all the more reason why these by-elections should be held since they will get still more adherents to their party. It is silly to say that because there is refugee agitation, therefore they do not want to hold elections. It is silly

to say so. If the refugee problem is so acute, it is just to get the public opinion. If the public are in favour of this Bill, then Government will get their votes.

Sir, with these few remarks I support this resolution.

**SJ. ISWAR CHANDRA MAL :** Mr. Speaker, Sir, মাননীয় সদস্য শ্রীশিবনাথ বসানাজী যে প্রস্তাব উত্থাপন করেছেন আমি তার বিরোধিতা করছি। কারণটা হচ্ছে এই যে প্রায় সকল সময়ই বক্তৃতায় বলা হয় যে কংগ্রেস নেমে গিয়েছে, কংগ্রেস তাব একটা মত এবং পথ নিয়ে ভাবতের স্বাধীনতা অর্জন করার জন্য বহুদিন থেকে পবিশ্রম করেছে, বহু ত্যাগ এবং বহু লাঞ্ছনা তার সঙ্গে জড়িত আছে। তার সেই মত এবং পথ ভাবতবর্ষের সকল লোকের কাছেই সুবিদিত হয়ে আছে। আজকে যদি দেশের লোক মত ও পথ না চায় তাহলে কংগ্রেসের কেন দোষ হবে? দোষ হবে দেশের লোকের কেননা তাবাই করতে যায়ে আশ্রয়না করে ছেড়ে দিয়েছে। স্বাধীনতাই দেশের সব নয়, স্বাধীনতা একটা উপায় মাত্র। তার পরে তার প্রত্যয় হানে পৌঁছাতে হবে সে কথা কংগ্রেস বাব বাব বলেছে। Progress তারা অনেক করেছে, বাকীটা কাব্যাকবী কথা এক বায়ে বা এক দিনে হয় না। দেশের লোক দিয়েই কংগ্রেস হয়েছিল, যদি দেশের লোক আজ কংগ্রেসের মত ও পথ না চায় তাহলে যেসব লোক কংগ্রেসকে ধরে আছে তাদের কোন লোকসান হবে না। তিনু দেশের ব্যক্তি দাঁড় করিয়ে election জয় করার চেষ্টা চলেছে। কংগ্রেসের মত এবং পথ যদি আজ না চেয়ে কমিউনিস্টের মত এবং পথ যদি আপনাবা চান বা শিবনাথ বাবু যে মত ও পথ advocate করেন সেই পথ যদি দেশের লোক চায় তাহলে কংগ্রেসের কোন অপবাদ হবে না। যা' তা' বাস্তব নাটক এবং এই Assemblyর বক্তৃতায় বললেও তাতে কংগ্রেসের দোষ নাই। শিবনাথ বাবু কংগ্রেসের টিকিটেই জয়লাভ করেছিলেন, যদি তিনি ঠিক লোক হতেন তাহলে কংগ্রেস টিকিটের পদটা ছেড়ে দিয়ে নিজের টিকিটে ফের election চাইতেন। কিন্তু একথা শিবনাথ বাবুর মুখে কদাচ ভুলতে পাই না। তিনি আজ যে দাবী উত্থাপন করেছেন যদি নিজের মত ও পথের জোরে নির্বাচিত হয়ে এই দাবীটা করেতেন তাহলে কারো কিছ বদলায় ছিল না। South Calcutta এবং North Calcuttaয় যদি Government election করতে চান। আমি Partyর লোক হিসাবে বলবো Governmentকে advice দেবো—এই election করবেন না। South Calcuttaয় আমাদের প্রবাসন বন্ধ Mr. Satish Chandra Bose মারা যান সেই জায়গায় শীঘ্রই শব্দ চন্দ্র বোস দাঁড়ান। তিনি একজন veteran Congressman ছিলেন—বীমদিন মারা। তিনি কংগ্রেস বিরোধী বলেই ঠিক ভোট দেয়নি। তিনি একজন বিশিষ্ট লোক ছিলেন, মাতব্বর লোক ছিলেন। সেজন্য তাকে ভোট দিয়েছিল। এবং স্বদেশ চন্দ্র দাস যিনি Congress party মনোনীত সদস্য ছিলেন, তাকে ভোট না দিয়ে তার কাগজ-পত্র পুড়িয়ে দেওয়া হয়েছিল কিন্তু এ দক্ষিণ কলিকাতায় পর পর এই sonar হেই যে দু'জন নির্বাচিত হয়েছিলেন তাবা মায়া গেলেন। তাই আমি Governmentকে advice দেন সেখানে কোন election করবেন না। (Laughter) এইতো গেল South Calcuttaয় কথা। তারপরে North Calcuttaয় যথেষ্ট। সেখানে হেমন্তকুমার বসু মহাশয় সেই এলেকার নির্বাচিত প্রতিনিধি ছিলেন। তিনি Congressরই সদস্য ছিলেন কিন্তু কোন এক বিষয়ে মতানৈক্য হওয়ায় কংগ্রেস ছেড়ে দিয়েছেন এবং সদস্যপদ থেকেও renoun দিয়েছেন। তিনি এরকম করে নিজেকেই সর্বোচ্চ সম্মান দিয়েছেন। কারণ তিনি Congress টিকিটেই দাঁড়িয়েছিলেন। কংগ্রেসের সঙ্গে একমত না হওয়ায় ছেড়ে দিয়েছেন—challenge করেননি। ব্যক্তিগতভাবে তিনি ঠকচি সম্পন্ন মতে কাজ করেছেন বলে আমি মনে করি। এই যে একটা সম্মান বাংলা দেশকে এবং সমগ্র ভাষতবর্ষকে দিয়েছেন—যে টিকিটে তিনি দাঁড়িয়েছিলেন—Congress ticket—সেই কংগ্রেসের সঙ্গে একমত তিনি হতে না পারায় কংগ্রেসের বিরুদ্ধে বক্তৃতা করা সঙ্গত মনে করেননি। সুতরাং সেই seat অন্য কোন লোককে দাঁড় করিয়ে সেই সম্মানকে নষ্ট করা উচিত নয়। এই আমার কথা।

**SJ. NISHAPATI MAJHI :** মাননীয় স্পীকার মহাশয়, শ্রদ্ধেয় শিবনাথ বাবু কলিকাতায় উপনির্বাচন সম্বন্ধে যে কথা আজ এখানে উত্থাপন করেছেন তাতে সরকার পক্ষ থেকে কয়েকটা কথা বলবার প্রয়োগ পেয়েছি। শিবনাথ বাবুরও সরকারের নিকট অনেক কিছু বলবার সুযোগ হয়েছিল। কিন্তু এ বিষয়ে বেশী কিছু বলা যুব সমীচীন মনে করি না। তবে সরকারের আজকে ব্যক্তিগত মত প্রকাশ করার অধিকার আছে। আমি জানি প্রকৃতির চন্দ্র মাল মহাশয় যে সমস্ত কথা বলেছেন এবং আর সব সদস্য মহাশয় যা বলেছেন সেগুলিও এক একটা

কারণ। কিন্তু উপনির্বাচন বিষয়ে আমার বিশেষ কতগুলি অভিজ্ঞতা আছে। যদি কেউ এই পরিঘর্ষের মেসার না হয় হঠাৎ দপ্তরের তার পান তাহলে তিনি দপ্তরের তার নিয়ে তাড়াহুড়ি চান্সের মধ্যে উপস্থিত হন ভোটাভ্রমের কাছে। তখন তিনি ঘাবে ঘাবে গিয়ে বলেন আমি দপ্তরের তার নিয়েছি আমি উপযুক্ত ব্যক্তি। এ-সব আবেদন জানাবার তাঁর একটা বিশেষ স্বযোগ হয়। কিন্তু আজ মন্ত্রণা গান্ধীর যে আদর্শ আমাদের দান করেছেন এবং কংগ্রেস যে গুরুতর দায়িত্বভার বহনের জন্য বন্ধপরিচর হয়েছিল, সে বিষয়ে আমাদের পৈশম্পর সহ-যোগিতা দ্বারা বিভিন্ন রাজনৈতিক দলকে এই কার্যে আহ্বান করে যাতে জয়যুক্ত হতে পারি ব্যস্তদের ভোটকে সার্থক করে তুলতে পারি সে দিক থেকে আমাদের চিন্তা করতে হবে। কিন্তু আমরা দেখছি কি। আমি এই পরিঘর্ষের কোন একটা উপনির্বাচনে—নাম করতে চাইনা, আমি জানি এই কলকাতা মহাবৈকি কোন একটা উপ-নির্বাচনের সময় অর্থাৎ পক্ষে ৩৭৬৫ বাবা মটর গাড়ী নিয়ে উপনির্বাচনে মহড়া আনত হয়। অনেক বহুবাক্য লোকের তোড়া নিয়ে অনেক স্বেচ্ছাসেবক নিয়ে এক একটা নির্বাচন-কেন্দ্রে যান। উপনির্বাচনকে বাঘবছর ও জন-বহুল করে তোলেন। একেই আমরা বহুবাক্য এই যারা কৃষক-মজদুর, যাদের হাঁটুর উপরে কাপড় তোলা থাকে, যারা সময়মত ছায়া পিটে পাবে না তারা সেই নির্বাচনে কি করে দাঁড়াতে পাবে? আমরা গভীরভাবে চিন্তা করবো কি করে আগামী বয়স্ক ভোটে সার্থক করে তুলতে পারি। উপনির্বাচনে যাতে এরকম প্রচুর ঠোকা খরচ না হয়, প্রচুর লোকবল নিয়ে এবং নানাবকম আরোজন করে যাতে নির্বাচনের আদর্শ নষ্ট কেউ না করতে পাবে আজ সেই দিকটা ভাবতে হবে। পুরই আশঙ্কের কথা যে শুল্কের শিবনাথবাবু এই পরিঘর্ষে এ বিষয়ে আলোচনা করেছেন। আজ ভাবতে হবে যে ২৪২২৪৩ জন যে প্রার্থী এই ব্যবস্থা পরিঘর্ষে আসবেন তাঁর। কত কম বয়সে আসতে পাবেন এবং কত সহজে আসতে পাবেন, সেই ভিন্‌নিখা ভাবতে হবে। প্রত্যেক রাজ-নৈতিক দলের স্বাধীনতা আছে এবং সেই অধিকার যাতে রক্ষা পায়, তার ও ব্যবস্থা করতে হবে। অর্থাৎ হাজার হাজার টাকা খরচ করে যাতে নামমাত্র খরচ দেয়িয়ে জুয়েচুরি না করে তার প্রতি ও কঠোর হতে হবে—নতুবা দেশে প্রকৃত কৃষক-মজদুরের কোন স্থান হবে না। আমরা নির্বাচন, উপনির্বাচন এমনভাবে করব না যাতে আমাদের সামনে নির্বাচনের ক্ষতি হতে পারে। আজ এখানে আমি অতি শ্রদ্ধার সঙ্গে হেমন্তবাবুর নাম উল্লেখ করতে চাই। তিনি সত্যই আদর্শবাদী। আজ দরিদ্র কৃষক-মজদুরের কথা অনেক বলছেন। কিন্তু তাদের জন্য যথা-সম্ভব ত্যাগ করে কংগ্রেস পতাকাতে জয়যুক্ত করবার জন্য যীবা কত কষ্ট কত দুঃখ বরণ করেছেন তারা আজ কালনেত্রির মত নিজ নিজ ভাগ নিয়ে ব্যস্ত। আমরা আজ দেশের বয়স্ক ভোটে সার্থক করবার জন্য অগ্রসর হয়েছি—এক্ষেত্রে বিবোধ, মনোমানিনা, কষ্ট কি বড় হয়ে দাঁড়াতে পাবে? কষ্টের জন্য লালায়িত হওয়াই আজকার দিনে আমি মনে করি সব চেয়ে বড় পাপ। প্রকৃত সেরকের আদর্শ নিয়ে দরিদ্র কৃষক-মজদুরের নতুন করে গড়ান দায়িত্ব নিতে হবে। তবেই যারা সত্যিকার সেরক তাদের আগামী নির্বাচনে পথ প্রশস্ত হবে। যদি এ পথ আমরা তৈরী না করতে পারি তাহলে গুরুতর অনায্য করবো। তাই নিবেদন করছি অতীতে যা করেছি করেছি আজ যেন এমন কিছু না করি—আজ যাতে কৃষক-মজদুর, আদিবাসী, তপশীল, দরিদ্র মুসলমান তাদের এই পরিঘর্ষে আসবার পথ রুদ্ধ না করি। প্রচুর ঠোকা খরচ যেন কৃষক-মজদুর যেন অপবের নিকট মাথা নিচু না করে। আজ আমাদের ভাবতে হবে কৃষক মজদুরদের অনুব্রত, স্বপ্ন ও শাস্তির কথা। যদি এই সমস্যা সমাধানের জন্য প্রত্যেকটি কর্মী আত্মনিয়োগ না করেন, দেশসেবার মনোবৃত্তি নিয়ে এগিয়ে না যান তাহলে সব বুধা হবে। তাই প্রুক্ষেয় শিবনাথবাবু যে প্রস্তাব উত্থাপন করেছেন সেটা ধন্যবাদ পাবার যোগ্য। এবং আমি এখানে যা বলেছি আশা করি সে বিষয়ে সকলেই চিন্তা করবেন। সবশেষে উপনির্বাচনের ব্যবস্থা সরকার যথাযথভাবে নিশ্চয়ই করবেন। এ বিষয় কেন অযথা বাকবিতণ্ডা সৃজন হচ্ছে তা বুঝতে পারছি না। তবে এ বিষয় যে সব আলোচনা হলো তা মল্লের ভালো। আশা করি উপনির্বাচন এবং নির্বাচনে সকলে অনায্য পথ ও অপব্যয় বন্ধ করবেন।

**Janab MUDASSIR HOSSAIN:** Mr. Speaker, Sir, the scene in this Assembly reminds me of a *kirtan* party which took place several years ago. In this *kirtan* party Assembly every one মশাপ্রাপ্ত হইয়াছে has lost consciousness. As the Leader of the House knows what it is—they have gone hysteric, and they have all fallen flat on the floor of this Assembly. Therefore there was no sense in the people. Afterwards when they regained their consciousness they began talking incoherent things. They were thinking that they were talking sense but they were all talking nonsense. Sir, this is a solemn occasion. This Assembly represents the cream of West Bengal, it represents the intelligentsia of West Bengal. We are all patriots. We have come

here to represent the people, to represent their grievances so that ultimately West Bengal may be prosperous and flow with milk and honey, so that there may be peace and concord here. That is our motto. That is the line of action which we should follow. I am now talking seriously and I think Sir, you will listen to me attentively. I find these <sup>কল্যাণ</sup> people are hurling vituperations and recriminations against one another and doing nothing else and thereby they are marring the solemnity of this august Assembly. I feel, Sir, our speeches should be dignified, our speeches should be peaceful, there should be no violence, there should be no destructive criticisms but there should be constructive criticisms. As the seniormost member of this Assembly I would advise you to follow this procedure. We are all Congress men here. Since Muslim League Party with its leaders have gone to Pakistan, I regard the Congress leaders to be our leaders and Dr. Roy here is our leader too. When they were on the throne we adored them and now Dr. Roy is adorning the throne and we are adoring him.

Now, Sir, I simply implore this side to give up the habit of hurling insults, to give up this *kirtan* performance. I appeal to them to come over to this side. I appeal to them to devote themselves to the reconstruction of the country and not to reeminate and hurl abuses and insults. If they hurl abuses to this side, this side will in its turn hurl abuses to them also. All that is fruitless. It will lead us all to destruction. It will not help us to reconstruct our country. So I implore you to give up this habit of insulting the other side. I ask you to give up that fruitless effort and appeal to them to join with the other side and see how peace and concord can be established so that milk and honey will flow in our country.

Sir, the situation in the country is well known. I have no habit to accuse anybody because it is prevented by Koran. The Koran says, do not abuse anybody, do not call anybody *kafir*, by persuasion and by friendly gesture try to convert persons who are against you. But what have we been talking about so long? We have been only abusing each other. I have not the least doubt that my friends on the Opposition Benches are all eminent and sincere gentlemen. I know that they are all honest gentlemen who have been acting from the best of motives. I know one of them is a Doctor of Philosophy. (Sj J. C. Guria: He is a Doctor of Science.) That does not matter for Science is also a branch of Philosophy. I have been trained in law from the very beginning of my life. (A voice: You are a Doctor of Law.) No, I am a poor mufassal lawyer. I have practised as a lawyer for long forty-six years and I have now given it up. As lawyers we know that abuse begins where argument fails. Our science says that, Then there is another proverb: faith begins where reason ends. With reason you do not seek God for with reason you cannot get God. Only with faith in religion you can get God. So Philosophy says: faith begins where reason ends.

**Shaikh MOHAMAD RAFIQUE:** So you have faith in Congress!

**Janab MUDASSIR HOSSAIN:** You do not understand what I am saying. You should appreciate that what I am saying is full of sincerity, and that there is no hypocrisy in it.

You are all trying to abuse each other and to show that there is argument in your abuse. But you cannot by your abuses bring out any arguments in order to strengthen your case. So I implore you through Mr. Speaker not to hurl abuses from one side to the other. (A voice: Election दि इन्त) ईशककानिद कय पन्ति, बाइडीयेन नः, the creation of a preamble or a preliminary is necessary for the creation of a suitable atmosphere for the main subject, and that is what I am now doing.

**Mr. SPEAKER:** If this is your preamble I do not know when you will finish! (Laughter.)

**Janab MUDASSIR HOSSAIN:** I am coming to the point, Sir.

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** ভাৰপুৰ পুনৰ আৰম্ভ ।

**Janab MUDASSIR HOSSAIN:** You must therefore remember that you are sincere gentleman and therefore you must not bring any disgrace or dishonour upon this Assembly by hurling abuses. At the same time I would also ask the other side not to speak anything which may be construed to mean that they are abusing the other side. There should be only solid arguments in favour of your proposition and nothing else. Now my preamble is finished.

And now I come to my real task. As I have already said, this House has gone into ecstasy which is something like *মগ্নতা* ।

**Sj. SIBNATH BANERJEE:** Sir, I put that the question be now put.

**Mr. SPEAKER:** I have got several names of speakers and some of them have not spoken so far in this House, and I have to give them opportunity to speak.

Now, Mr. Hossain, will you kindly finish your speech?

**Sj. SIBNATH BANERJEE:** Sir, I should like to know from you how long you are going to sit because there are Bills before us. It appears that there is an attempt to talk out the resolution, and if that is the intention the Leader of the House can very well do so.

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** I do protest against this imputation of motive for I have no such intention. It is his resolution and naturally he wants to get opinions of various members on his resolution and there are members who are prepared to speak. Why then is he so impatient?

**Sj. SIBNATH BANERJEE:** Sir, if I am assured that in case it is not finished today another day will be given I am prepared to have the debate on the resolution continued. What I am afraid of is that this resolution may be talked out if you are not prepared to go on beyond 7-30 p.m. Otherwise neither this resolution will be put to vote nor the Bills will be taken up.

**Mr. SPEAKER:** So far as our time is concerned we generally sit for three hours. So we shall sit till 7-30 today. But if the House wants to sit thereafter I have no objection.

With regard to another non-official day I do not know how long this House is going to continue but if it continues further there is a chance of a non-official day coming.

**Sj. SIBNATH BANERJEE:** In view of what the Chief Minister says I may tell him that I did not impute any motive. Even if others are prepared to speak, unless the matter is talked out, I shall have the last word to say and I am prepared to sit longer and have the resolution put to vote. So I want an assurance from the Leader of the House through you, Sir, that the Bills will be introduced today.

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** So I find that he has put me in the Speaker's Chair!

**Mr. SPEAKER:** Mr. Banerjee, if the House continues and if we have another day which, I hope, we will have, just considering the pace at which

we are proceeding it is quite likely we will have another non-official day, if the motion is not finished today, certainly it can be carried over. So far as the Bills are concerned I am not sure whether the other party is prepared to continue the Bills till the next day. Therefore for the time being we shall continue till 7-30 unless the House desires to sit longer.

**Sj. SIBNATH BANERJEE:** I wanted an assurance from the Leader of the House that he will not object to the sitting of the House longer. If he objects we cannot have it—we know it.

**Mr. SPEAKER:** We shall sit till 7-30. In the meantime I call upon Janab Mudassir Hossain. Please finish your speech.

**Janab MUDASSIR HOSSAIN:** Now, Sir, I shall come to the point. The point is whether the elections should be held immediately in the two constituencies which have fallen vacant.

Now, Sir, as I have just now stated, the whole Assembly has gone in hysterics and with these hysterics the people of Calcutta have also joined and everyone has become ৰাশিভাৰ and therefore they are not in their proper senses. Election is a very grave matter. The duties and responsibilities of an elector are like that of a Sovereign Judge. He must choose, he must vote for that people who will be able to represent him and safeguard his interest. Such and such persons only will be given vote. Now, Sir, the entire Calcutta at this moment is in a melting pot. Peace and harmony there is none which is essential for the purpose of giving a proper vote. The turmoil from which Calcutta is suffering for the last few days frightens me. What will happen to me I do not know with this disorderly condition. Feelings are running high and everybody has gone frenzied. Under such circumstances it is not desirable to have a free plebiscite, or a free vote cannot be given under such circumstances, and therefore I think, Sir, until normal conditions are restored and peace and harmony prevail, no plebiscite should be taken or election should be held. Therefore I think that the Government will be justified in not holding the election at the present moment when the country is in turmoil and unrest.

**Janab ABDUS SHUKUR:** Mr. Speaker, Sir, আমি মাননীয় সদস্য শ্রীশিবনাথ বসান্ধী মহাশয়ের প্রস্তাবের বিরুদ্ধতা কববার জন্য দাঁড়িয়েছি। সম্প্রতি ২৪-পৰগণার Central Rural Muhammadan Constituencyতে যে উপনির্বাচন হয়ে গিয়েছে তাতে তাঁর দলীয় এবং বিরুদ্ধ দলের কার্যকলাপ দেখবার পর আমি আশঙ্কিত হয়েছি, যদি কলিকাতায় বর্তমানে উপনির্বাচন করা হয় তাহলে অবস্থা ভয়াবহ দাঁড়াবে। আমার constituencyতে সেখানে ১৯৪৬-৭৬ কোন উপভব হয় নাই, গত বৎসরেও কোন উপভব ঘটে নাই সেখানেও আমাদের ডিউর দু'একজন মানুষ এমন উপভব সৃষ্টি করেছিলেন যে যদি আগে থেকেই কংগ্রেস কর্তৃপক্ষ বিশেষ সাবধানতার সহিত অগুণের না হতেন তাহলে একটা ভীষণ riot হয়ে যেত। কংগ্রেসকর্ত্তীরা ভৎসরণের সহিত উক্ত অবস্থার প্রশমন করেছিলেন, যদি একটা শৈথিল্য করতেন তাহলে সেখানে নিশ্চিতই একটা riot হয়ে যেত। সেখানে বলা হয়েছিল বিরোধী পক্ষ থেকে যে পাকিস্তানের কথা ভাবুন, স্বাধীন জিন্দা সাহেবের কথা ভাবুন, মুসলমান মেয়েদের আলিক রাখা হয়েছিল—এই সব ধরনের কথা বলে মুসলমানদের উত্তেজিত করা হয়েছিল। তাদের দ্বারা মুসলমানদের উত্তেজিত করার কালে যদি কংগ্রেসকর্ত্তীরা সময়মত অগুণের না হতেন তাহলে ভীষণ অবস্থার সৃষ্টি হত। এখন কলিকাতায় বোমা নিষেধের মূগে যেখানে অনেকরকম অশান্তির অবস্থা ও বিবর্তিতার মধ্যে আধা বয়েছি সেখানে যদি উপনির্বাচনের ব্যবস্থা হয় তাহলে অশান্তি ত হবেই আরও যে কি ঘাড়ে তা বলতে পারি না। স্বতরাং আমার ধারণা—যে প্রস্তাব আনা হয়েছে সেটা প্রকৃতপক্ষে electionএর জন্য নয়, একটা অশান্তির সৃষ্টি করে (Governmentকে বিবৃত করবার চেষ্টা) মাত্র।

আমি সেক্ষণ্য বলছি সামনেই অল্প কয়েক মাস পরেই নভেম্বর মাসেই যখন election হবে তখন আর ব্যস্ত কয়েক মাসের জন্য এই উপনির্বাচনের জন্য ব্যস্ত হবার কারণ কি? একটা গোলাবলের সৃষ্টি করার জন্যই

এই প্রস্তাবটা যে করা হয়েছে তাতে কোন সন্দেহ নেই। কংগ্রেসের প্রতি লোকের যে আস্থা আছে তার পূর্ণাঙ্গ পেয়েছি বারাকপুর ও অন্যান্য স্থলে; সেখানকার মুসলমানরা এখন কংগ্রেসের দিকেই তাকিয়ে রয়েছে, কতগুলি স্বার্থপর লোকই যে তাদের মধ্যে বিরোধিতার সৃষ্টি করেছিল এখন তা তারা বুঝেছে। তারা বুঝেছে যে এই সব লোকের কথা শুনেই তারা কোন সবিধাত পাবেই না বরং কষ্টই পাবে। সেই সমস্ত লোক কংগ্রেসপ্রার্থীকে ভোট দিয়ে কংগ্রেসকে জয়ী করেছে। এই সম্পর্কে আমার একটি প্রবণ মনে পড়েছে। একজন ভ্রমলোক একদিন নৌকার চোটে একভাষায়া যাচ্ছিল সেই নৌকার একটা চোটে চেনেও ছিল, যখন মাঝ নদীতে নৌকাটা দুইছিল তখন ঐ চেনেটা কাঁদতে আরম্ভ করে সেই সময় মাঝ এসে তাকে জলে ফেলে দিল এবং সঙ্গে সঙ্গেই আবার জল থেকে তাকে নৌকায় তুলে নিল, তারপর চেনেটা আর কাটাকাটি করল। ভ্রমলোক তখন জিজ্ঞাসা করলেন এ ছাড়া কি করে? তবে মাঝ কাঁদছে না, তখন মাঝ বলে নৌকার যে প্রয়োজনীয়তা কি ও উপকারিতা কি সেটা ও মাঝে বুঝতে পাবেনি জল থেকে যখন নৌকায় উঠেছে তখন সেটা বুঝতে পেরেছে। সেই রকম যখন বিপদে পড়েছিল সে অন্ধলের মুসলমান ও হিন্দুরা, তখন তারা বুঝতে পেরেছিল যে তাদের দাবী এবং কংগ্রেসের প্রয়োজনীয়তা কি। সেই জন্য তারা উপনিব্যাচনে আমাকে ভোট দিয়ে কংগ্রেসকে জয়ী করেছেন। কংগ্রেসের পরাজয়ের ভয় নেই কংগ্রেস অশান্তি চায় না। সেইজন্য আমি আশা করি মাননীয় সদস্য মহাশয় তাঁর প্রস্তাবটা তুলে নেবেন এবং যাতে অশান্তির সৃষ্টি না করা হয় তার সহায়তা করবেন এই বলে আমি প্রস্তাবের বিরোধিতা করছি।

**8j. SHYAMAPADA BHATTACHARYA:** Mr. Speaker, Sir, may I have your permission to move a short-notice amendment to this effect that this Assembly is of opinion that the by-elections in the following constituencies, viz., (i) Calcutta South (General), (ii) Calcutta North (General), and (iii) Water Transport Trade Union, be held as early as possible? Sir, we are not afraid of facing the elections. What I object to is the language of the resolution. Therefore I want to move this short-notice amendment. If the mover of the resolution accepts it, well and good.

**8j. SIBNATH BANERJEE:** Sir, I will accept the amendment with pleasure.

**Mr. SPEAKER:** I think the amendment should be in this form—I have just corrected the language—that after the word “that” in line 1 of the resolution the following be substituted:—“by-elections in the following constituencies, viz., (i) Calcutta South (General), (ii) Calcutta North (General), and (iii) Water Transport Trade Union, be held as early as possible”. I think this will serve the purpose.

Yes, Mr. Bhattacharyya, I allow you to move this short-notice amendment formally.

**8j. SHYAMAPADA BHATTACHARYA:** Sir, I beg to move that in place of the original resolution the following be substituted:—

“That this Assembly is of opinion that the by-elections in the following constituencies, viz., (i) Calcutta South (General), (ii) Calcutta North (General), and (iii) Water Transport Trade Union, be held as early as possible.”

**8j. SIBNATH BANERJEE:** Sir, I accept it formally.

**Dr. SURESH CHANDRA BANERJI:** Sir, we all accept it.

(A member rose to speak.)

**8j. SIBNATH BANERJEE:** Sir, other members on that side have spoken and condemned the resolution, and now the Chief Whip has let them down. I do not know what the new members will speak. I think it is better that they do not speak.

**Shaikh MOHAMAD RAFIQUE:** Sir, what is the fate of those members who have condemned the resolution?

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** What is your fate? (Laughter.)

**Mr. SPEAKER:** In view of the fact that the mover of the resolution has accepted the amendment, I do not think that there should be any more speech from either side.

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** Sir, you take the vote and finish it.

**Dr. P. C. GHOSH:** Yes, Sir.

The motion of Sj. Shyamapada Bhattacharyya that after the word "that" in line 1 of the resolution the following be substituted:—

"by-elections in the following constituencies, viz., (i) Calcutta South (General), (ii) Calcutta North (General), and (iii) Water Transport Trade Union, be held as early as possible "

was then put and agreed to.

The motion of Sj. Sibnath Banerjee, as amended, that this Assembly is of opinion that the by-elections in the following constituencies, viz.—

- (i) Calcutta South (General),
- (ii) Calcutta North (General), and
- (iii) Water Transport Trade Union,

be held as early as possible, was then put and agreed to

**Sj. SIBNATH BANERJEE:** Sir, I congratulate the Leader of the House for taking this decision

**Mr. SPEAKER:** Before I adjourn the House—

**Sj. SIBNATH BANERJEE:** Sir, I have got my Bills.

**Mr. SPEAKER:** We shall sit on the next day.

**Sj. SIBNATH BANERJEE:** Sir, I will take only five minutes. I won't make any speech. I was very anxious to introduce them.

**Mr. SPEAKER:** I think we shall sit some other day.

#### Observation regarding remarks in the "Loko Sebak".

**Mr. SPEAKER:** Before I adjourn the House I wish to inform the House that I have received a letter from the Board of Trustees of the "Loko Sebak" to me as Speaker of this Assembly. Inasmuch as this matter was mentioned in the House and it is a matter with which the House is concerned, I think I shall have to read this letter before the House. "The Trustees of the Society which conducts the 'Loko Sebak' have considered the situation which has arisen on account of the unfortunate remarks in the editorial of the 26th instant regarding your position vis-a-vis the Congress Assembly Party. The comment was made by a writer who is not conversant with the day-to-day working inside the Assembly House and he does not know how in spite of being a member of the Congress Assembly Party, you have held the balance even and have carried on impartially the business of the House under very trying circumstances. The generous



attitude which you have taken after the editorial was published has been very much appreciated. We are sorry for what has been written. Yours faithfully, A. P. Choudhury, Honorary Secretary, Board of Trustees."

Lest there might be any doubt as to why I mentioned this matter in the House, I wish to tell the House that this privilege is more a privilege of the House than of the Speaker himself. As a matter of fact I find from the Parliamentary proceedings and I crave your indulgence to refer to it, because the thing is so much lost sight of that it is better to repeat it now and then, that in the House of Commons a mention was made by one of the members that the slip system was there as we have got here and there was an objection taken that by slips the Speakers were calling the members. Some of the members were called. There was a letter written by one or other members and that was published in one of the papers and that matter was brought to the notice of the House itself. Mr. Asquith was the Prime Minister then. Mr. Wedgwood expressed the regret in the House that this incident should be calculated to cause pain, and even then it was not regarded as sufficient. Then he had again to appear before the House and he had to offer unqualified apology. This is simply to show the gravity with which the Parliamentary procedure views any aspersion upon the Speaker. And the Speaker who was then presiding—he said "I take this opportunity of saying that as an individual the contents of the letter in question have not caused me any pain or annoyance because I feel that my withers are unwrung, and the imputation of partiality upon me, as an individual, leaves me quite cold. But as the Chief Officer of this House, whose duty it is to maintain the ancient traditions of impartiality in the Chair and to do justice to all sides of the House, I must leave the defence of my conduct entirely to the Members of the House". And to that the Prime Minister Mr. Asquith made the remark that "as far as the Speaker and the Chairman are concerned they could well afford to treat it with contempt. But it is a matter which does affect the dignity of the House of Commons, because the House itself, as a deliberative Assembly, has its credit impaired and decreased if an allegation is allowed to go forth to the world to the effect that its Presiding Officer is guilty of partiality".

I am sorry I had to take a little of your time just to impress upon you as to what the Speaker of the House of Commons did in like circumstances. I appreciate the nice way in which the regret has been expressed by the paper that made the comments on the Speaker of this House the other day. Even at that time I thought it was due to ignorance of the Parliamentary procedure and of the Speaker's position. In spite of some of the members of this House suggesting other courses of action against the offending newspaper I left it to the good sense of the authorities of that paper. But I should tell you that the moment such matters are brought to the notice of the House no time should have been lost and at the earliest possible opportunity action should have been taken by the paper concerned. That is one thing which we should all bear in mind. The allegation against the Speaker was made most probably because I am a member of the Congress Assembly Party. Now this fact is well known to members of this House that as Speaker I have not taken part in the proceedings of the party meetings although I still remain a member of the Congress Party itself. A question might be asked as to why I do not resign my membership of the Congress. To that I should say that all the Speakers of all the Legislatures in India including the Speaker at the Centre are still members of the Congress Party and I am no exception to it, and as long as they are Speakers, they are for all practical purposes not members of the Congress Assembly Party because they never attend the party meetings and take part in them. I cannot say it with certainty but I am advised by my Secretary for whom I have got the highest

regard for his knowledge of Parliamentary procedure that the present speaker of the House of Commons is a member of the Conservative Party till. Therefore my being a member of the Congress Assembly Party does not mean anything substantial either to the party of which I am a member or to any other party in the House as long as I continue to be the Speaker of the House and I say it simply for the information of those members who do not know exactly how impartial the Speaker is or should be and what is the Parliamentary procedure which is in vogue in other democratic countries. Once more I express my thanks for the authorities of the newspaper concerned for expressing their regret in a dignified manner and thus repairing the grievance expressed by members of this House over some comments against the Speaker which appeared in that paper the other day. I have got nothing further to add.

#### **Adjournment.**

The House was then adjourned at 7-40 p.m. till 3-30 p.m. on Monday the 2nd April, 1951, at the Assembly House, Calcutta.

**Proceedings of the West Bengal Legislative Assembly assembled  
under the provisions of the Constitution of India**

THE ASSEMBLY met in the Assembly House, Calcutta, on Monday, the 2nd April 1951, at 3-30 p.m.

**Present:**

Mr. Speaker (the Hon'ble ISWAR DAS JALAN) in the Chair, 11 Hon'ble Ministers and 59 members.

**Oath.**

The following gentleman took the oath or affirmation of allegiance:—  
Sj. Sowrindra Mohan Misra.

**STARRED QUESTIONS**

(to which oral answers were given)

**Certain allegations against the police of 24-Parganas**

**\*78. Sj. BEPIN BEHARI GANGULI:** Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to state—

- (a) whether it is a fact that in the middle of February, 1950, police arrested several persons from the compound of Baruipur Court who were waiting there after filing *hajira* as witnesses in the cases fixed for the day;
- (b) if so, whether the arrest was made with the permission of the Court;
- (c) whether it is a fact that on the said occasion police insulted the members of the Bar Association as well as the President of the Bar Association, Baruipur, in most filthy and abusive language;
- (d) whether it is a fact that a number of Congress workers have been recently arrested from the municipal areas of 24-Parganas and they have been let off subsequently, in which one Rabindra Nath Banerjee of Bengal Nagpur Railway had been involved;
- (e) whether it is a fact that about 8 months passed before the accused in the murder of the Assistant Secretary, Texmaco, could be placed before the Court; and
- (f) whether it is a fact that a number of complaints have been alleged regarding high-handedness of police employed on procurement, enforcement and A.R.C.P. within the jurisdiction of 24-Parganas; if so, what action has been taken on them?

**MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Dr. Bidhan Chandra Roy):** (a) Three absconding accused of Canning P.S. case No. 3, dated 7th February, 1950, under sections 147/379/332, I.P.C., were arrested on 14th February, 1950, on the requisition of the Officer-in-charge, Canning police-station, in the compound of Baruipur Court by two constables of Baruipur police-station. It was not known then that the arrested men were witnesses in any case or that they had filed any *hajira* in Court.

(b) The permission of the Court was not obtained. There was nothing illegal or improper in arresting a person, waiting outside the Court Compound, in execution of a criminal process. In any case, the constables did not know that these men were witnesses in a case.

(c) The arresting constables had an exchange of words over the arrests with the party's pleader, Sri Rajani Bhushan Chatterji, who was also President of the Bar Association. He did not wear his gown at the time and could not be recognised by the constables as a lawyer. The said pleader complained to the Superintendent of Police about the alleged insolent conduct of the constables, but not on account of "using filthy and abusive language". A departmental enquiry was held. The conduct of the constables was found to have been insolent, and they were punished.

(d) No workers of the Congress were arrested in any of the municipal areas of the 24-Parganas district.

Sri Rabindra Nath Banerji, son of Sri Sarada Prosad Banerji, of Khamar Baria, Ondal, Bankura, and of Baruipur, 24-Parganas, an employee of the Bengal Nagpur Railway Head Office, was arrested on 6th February, 1950, at the instance of the Central Intelligence Bureau, who had information about his having taken part in various subversive activities.

(e) Although it is not a fact that a delay of 8 months occurred in placing the case before the Court, the delay of 5 months that occurred was found to be unjustified and the enquiring officer was punished for the delay.

(f) Two complaints were received alleging high-handedness of the police—one against the B.O.P. staff of Sahabkhali, police-station Hasnabad, and the other against the armed force stationed at Budhakhali police station Kakdwip. Both were duly enquired into. The former was found baseless and inspired by party feelings, while in the latter the allegations were not proved.

**SJ. JYOTI BASU:** With regard to answers (c) and (e) wherein it is stated that the enquiring officer and the constables were punished, will the Hon'ble Minister be pleased to state what is the nature of punishment meted out to them?

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** I cannot tell you immediately, but there was a departmental punishment given to them.

**SJ. JYOTI BASU:** In view of the answer given just now, will the Hon'ble Minister be pleased to enquire as to the nature of the punishment meted out to them?

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** Yes, I shall do so.

### Starting of industries under the auspices of Government

\*79. **SJ. BIMAL COMAR CHOSE:** Will the Hon'ble Minister in charge of the Commerce and Industries Department be pleased to state—

- (a) whether Government have under contemplation the starting of any industry under Government auspices;
- (b) if so, what are the industries; and
- (c) whether Government have under contemplation acquisition of any existing trade or industry in this State?

**The Hon'ble Dr. BIDHAN CHANDRA ROY (on behalf of the Hon'ble Nalini Ranjan Sarker):** (a) Yes.

(b) (i) Penicillin; D.D.T.; Plastic Teeth; Salt Factory on the Contai sea coast; Electricity schemes, viz., North Calcutta Electrification Scheme, which is already in progress, South Calcutta and East Calcutta Electrification Schemes, and Electrification of Mathabhanga, Changra Bandha, Toofanganj and Meckliganj in Cooch Behar.

(ii) Besides, Government are running certain production units for the expansion and development of the following cottage industries:—

- (1) Khadi through Khadi Board.
- (2) Silk through organisation of Silk Reelers' Co-operatives.
- (3) Handloom weaving through four Industrial Centres.
- (4) Handmade Paper at Gariahat Centre.
- (5) Ceramics in Ceramic Institute.

(c) No.

**SJ. BIMAL COMAR CHOSE:** Will the Hon'ble Minister be pleased to state the present position of the Government scheme in regard to Penicillin, D.D.T., Plastic Teeth, and Salt Factory?

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** With regard to Penicillin, the thing has not yet been finalised, but we are hoping to do so within the course of this month of April. As a matter of fact, one of our men went to America at the expense of the other party to finalise the scheme.

With regard to D.D.T., the position is that the Government of India has to give us certain permits with which to start the manufacture of D.D.T., as also to fix up the price of the D.D.T., produced here as against imported D.D.T.

With regard to Plastic Teeth, an order has been placed with a Swiss firm for machinery, etc., and we are expecting the machineries to come over any day.

**SJ. BIMAL COMAR CHOSE:** Will the Hon'ble Minister be pleased to state whether he considers that there would be no difficulty on account of finances or technical personnel in establishing these industries?

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** With regard to the Penicillin industry, the Pfizer Company who are negotiating with us have already sent out one of the Indian students who has been trained by them. He will probably be coming next week to Calcutta.

With regard to D.D.T., there is no difficulty in getting the necessary technical personnel. As a matter of fact, there are two or three companies who are interested in it and are prepared to share with the Government of India and the Government of West Bengal in the production of the D.D.T.

With regard to Plastic Teeth, there is no difficulty in getting the personnel.

**SJ. BIMAL COMAR CHOSE:** Will the Hon'ble Minister be pleased to state what would be the form of organisation that he considers for establishing these industries—would it be under Government sponsor or would it be a private company or a corporation?

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** With regard to Penicillin it would be Government, with regard to Plastic Teeth it would be Government and with regard to D.D.T., it would be a combined organisation.

**SJ. JYOTI BASU:** With regard to answer (c), does the "No" refer to an indefinite period?

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** Is there anything definite or indefinite in this world—I do not know.

**SJ. JYOTI BASU:** There are many things very definite and many things very indefinite. However, with regard to answer (c), does it also refer to foreign industries? Does the answer "No" refer to the foreign industries—that they will not be nationalised?

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** The question was really whether Government have under contemplation acquisition of any existing trade or industry in this State and the answer "No" means at the present moment "no"—it may be that after some time we may have to take over.

**SJ. BIMAL COMAR CHOSE:** With regard to answer (b)(ii), will the Hon'ble Minister be pleased to state whether these production units are merely demonstrative units or they are intended to be run as commercial enterprises?

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** With regard to silk, it is run more or less on commercial line—with regard to *khadi* also, but I do not think it is giving us return in the ordinary commercial method. With regard to hand-made paper, my impression is that it is just able to manage to meet its expenses. With regard to ceramics, it is not a paying concern and we are thinking whether we should change over to something else. With regard to hand-loom weaving, there are four industrial centres—that is also running more or less on commercial basis.

**SJ. BIMAL COMAR CHOSE:** With regard to answer (c), will the Hon'ble Minister be pleased to state if that answer includes the present private bus undertakings and the present tramway undertakings?

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** At the present moment, we have not under consideration any scheme, but as soon as that comes, we will let you know because the public ought to know.

## UNSTARRED QUESTIONS

(answers to which were laid on the table)

### Appointment of an Advisory Committee in the West Bengal Government Press, Alipore

**22. SJ. BEPIN BEHARI CANGULI:** Will the Hon'ble Minister in charge of the Commerce and Industries Department be pleased to state—

- (a) whether any Advisory Committee was appointed in the West Bengal Government Press, Alipore;
- (b) if so, for what purpose and when;
- (c) the recommendations, if any, of the Advisory Committee;
- (d) whether employees were represented in the Committee;
- (e) if so, the number of the employees' representatives;
- (f) if not, why not;
- (g) whether any letter was addressed to the Hon'ble Minister by the employees of the Press against the revised pay-scales of the Press employees;

- (h) if so, whether any action has been taken on the basis of the letter;
- (i) whether there are any anomalies in the pay-scales of the West Bengal Government Press;
- (j) if so, whether the Government desire that those anomalies would be removed;
- (k) whether the provisions of the West Bengal Factories Rules, 1949, would be applied to the West Bengal Government Press;
- (l) if so, when;
- (m) whether there are some temporary employees in the Press; and
- (n) if so, are they going to be made permanent?

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** (a) Yes.

(b) The Committee was appointed in April, 1950, with the following terms of reference:—

- (i) Fixation of standard outturn of work for as many different categories of workers as possible.
- (ii) Measures to reduce overtime.
- (iii) Basis of payment of overtime allowances.
- (iv) Practicability of adopting double shift in West Bengal Government Press.
- (v) Increase of equipment and reorganisation necessary in West Bengal Government Press, Cooch Behar Press, Alipore Central Jail Press and Governor's Press in view of the necessity for the adopting of Bengali and other vernacular languages.
- (vi) Distribution of work between the different presses.
- (vii) A standard time-table for execution of normal, urgent and top priority work.
- (viii) Formation of a centralised organisation for giving technical advice to the departments placing orders on the Press.
- (ix) Supply of rationed foodgrains as well as of non-rationed food articles like mustard oil, sugar, pulses and *ghee* at concessional rates.
- (c) A summary of the more important recommendations is placed on the Table.
- (d) Yes. Sri Deven Sen, M.L.A., the then President of the West Bengal Government Press Employees' Union representing the employees, was a member of the Committee.
- (e) There was only one member in the Committee representing the employees as already mentioned in answer to (d).
- (f) and (j) Do not arise.
- (g) Yes. One representation from the Employees' Union was received.
- (h) The employees' representation in connection with the revised pay-scales is now under consideration of the Government, with particular reference to the financial implications involved.
- (i) No.
- (k) The Government Press being a factory, the Rules are applicable.
- (l) The application of the Rules to the Press is under consideration.
- (m) There are a few temporary employees in the Press.

(n) These employees are working in temporary posts created to cope with the increased volume of printing work required by the temporary departments of Government, viz., the Rationing Directorate, the Textile Directorate, etc. These temporary posts cannot be made permanent until temporary departments of Government indenting on the Press are declared permanent departments, in which case the volume of work in the Press for which the posts were created will be permanent, justifying the permanent retention of this staff.

*Summary Report referred to in reply to clause (c) of unstarred question No. 22*

#### GENERAL

(a) There should be unified control over the Government Presses at least so far as the production side is concerned. The Commerce and Industries Department controls the West Bengal Government Press, the Secretary's Press, and the Cooch Behar Press. The Home (Jails) Department controls the Alipore Central Jail Press. It is recommended that a high ranking officer of the Commerce and Industries Department, preferably a Deputy Secretary, should be made responsible for the supervision of the three Presses directly under the Commerce and Industries Department and that he should further be authorised to inspect the Alipore Central Jail Press and empowered to divert work to that Press if it has the capacity to take on additional work. He should also be authorised to make recommendations to the Home (Jails) Department for the fuller utilisation of the equipment in that Press. The administrative control over the Alipore Central Jail which is worked mainly by convict labour and is housed in the premises of the Alipore Central Jail should rest as at present with the Home (Jails) Department (paragraphs 87 and 88).

(b) Form work should be diverted to the Central Jail Press which is specially designed for this type of work and the pressure on the West Bengal Government Press relieved (paragraph 82).

(c) Printing work relating to the Northern Districts of Darjeeling, Jalpaiguri and Cooch Behar which is at present handled by the Secretary's Press and the West Bengal Government Press should be diverted to the Cooch Behar Press (paragraph 83).

• (d) The Secretary's Press should handle His Excellency the Governor's work (paragraph 83).

(e) Certain standards of outturn have been laid down. It has also been recommended that the total earnings of the workers in the mechanical composing sections should be related to their outturn and for this purpose a bonus and a fine system similar to that followed in the Government of India Press, Calcutta, has been suggested (paragraph 43).

#### RECOMMENDATIONS RELATING TO THE WEST BENGAL GOVERNMENT PRESS

(a) Certain additions and alterations to the machinery and equipment of the Press at an estimated cost of Rs.7,29,400 should be made as soon as possible (paragraph 15).

All composing and printing machines older than 1935 should be gradually replaced over the next few years (paragraph 16).

(b) The basis of payment of overtime allowances for work in excess of 9 hours a day or 48 hours a week should be brought in accord with the provisions of section 59 of the Factories' Act, 1948 (paragraph 49).



If normal working hours continue at 40 hours per week, "ordinary" overtime at 25 per cent. above basic wages only should be allowed as at present (paragraph 51).

(c) Overtime hours should be reduced with immediate effect as the present system of working overtime contravenes the provisions of the 'Factories' Act of 1948, and is therefore illegal (paragraph 60).

The measures recommended for reducing overtime are—

(i) The output per hour should be increased (paragraph 62). The problem is essentially an organisational problem. A high ranking officer of the Commerce and Industries Department, preferably a Deputy Secretary, should guide and assist the Superintendent. This officer should scrutinise output figures, ensure that unnecessary overtime is not worked, and generally exercise supervision over the Press. The Superintendent should be relieved of routine work by the appointment of a Deputy Superintendent (Administration) and should concentrate on extracting the maximum output from the Press. The Deputy Superintendent (Administration) may be a West Bengal Junior Civil Service or West Bengal Civil Service officer (paragraph 63).

The additional equipment and the alterations suggested should also help in increasing output (paragraph 65).

(ii) Requisitions on the Press should be controlled and in particular those urgent requisitions which necessitate overtime work should come from the Secretary of the Department, so far as the Secretariat is concerned, and should be countersigned by the Deputy Secretary, Commerce and Industries Department, except where the requisition is made by the Secretary, Commerce and Industries Department (paragraphs 66 and 85).

(iii) A double shift with an extra 20 per cent. of the operative staff employed at present should be introduced (paragraph 68). The introduction of the double shift is both practicable and financially profitable (paragraph 79).

#### RECOMMENDATIONS RELATING TO THE ALIPORE CENTRAL JAIL PRESS

(a) During the last few years arrears have been mounting and production has been falling. One of the principal reasons for this state of affairs is the shortage of convict labour and not the shortage of equipment (paragraphs 25 and 26).

(b) Long-term convicts from other Jails should be drafted to the Alipore Central Jail Press even at the expense of the other Jail industries (paragraph 29).

(c) If security reasons are no bar, the proposal of the Superintendent, Alipore Central Jail, for recruiting supplementary paid staff on a temporary basis should be accepted. In fact, some paid staff to supplement convict labour has been sanctioned recently (paragraph 30).

(d) The two rotary machines should work a double shift. The ordinary printing machines so released should be used for printing forms diverted from the West Bengal Government Press (paragraph 33).

(e) The equipment at the Alipore Central Jail Press is obsolete and some of it should be replaced. The estimated cost is Rs.1,83,000 approximately (paragraphs 31 and 32).

### RECOMMENDATIONS RELATING TO THE COOCH BEHAR PRESS

With the merger of the former Indian State of Cooch Behar, the administrative situation in the State is rather fluid. The equipment position of the Cooch Behar Press should be examined in greater detail after a decision has been taken regarding the functions of the Press and the volume of work that it will be called upon to handle (paragraph 32).

For the present a Binding Section should be opened if the Press is to work as a well-balanced unit. Much of the equipment for this purpose should be available from the Alipore Central Jail Press (paragraph 39).

### RECOMMENDATIONS RELATING TO THE SECRETARY'S PRESS

The condemned Falcon machine should be replaced by a new printing machine and one of the Linotype machines replaced at the West Bengal Government Press should be transferred to the Secretary's Press (paragraph 41).

**SJ. DEBENDRA NATH SEN:** Will the Hon'ble Minister be pleased to state as to whether any of the recommendations of the Advisory Committee has been given effect to?

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** Sir, that was not one of the questions that was asked. Therefore, I will have to ask for notice from my honourable friend. If he makes any supplementary question on the question that was asked, then I can give him the answer, but at the present moment the question that was put by my friend Sj. Bepin Behari Ganguli does not concern itself with any finding of the committee.

**SJ. DEBENDRA NATH SEN:** With regard to answer (g), will the Hon'ble Minister be pleased to state as to when this representation was received?

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** One letter, dated the 30th June, 1950, from the President, West Bengal Government Press Employees' Union, was addressed to me and I sent it on to the Commerce Department. Another letter of the same date was received direct by the Secretary of the department.

**SJ. DEBENDRA NATH SEN:** In view of the fact that so many months have elapsed since the representation was made, will the Hon'ble Minister be pleased to state how long it will take for the Government to finalise this consideration?

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** If my friend would tell me what are the recommendations, I can give him the answer because I have got some facts, but I do not know which one he asks for.

**SJ. DEBENDRA NATH SEN:** With regard to answer (i) stating that there is no anomaly, will the Hon'ble Minister be pleased to state whether it is a fact that the present revised salaries of the binders, fitters and other categories of labour have been placed lower than they were getting before?

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** Sir, the position is this that there are no anomalies in the revised pay-scales. The point for representation by the employees against the revised pay-scales was considered. They said that there was some difference between the scale of pay of a post-1931 employee with the new scale of pay. The suggestion was that the minimum or maximum of the post-1931 scale of pay has been lowered by the introduction of the revised pay-scales that the employees received. The employees in making comparison took into account the

temporary *ad interim* increases in pay sanctioned by Government from time to time, added them to their original basic scale of pay and then compared it with the new scale of pay. These *ad interim* increases were sanctioned to provide temporary relief. In the opinion of the Government, they should not be treated as permanent increases in the post-1931 pay scale. If you leave those *ad interim* increases out, it would be clear that neither the minimum nor the maximum of the post-1931 pay-scale has been reduced in the revised scale of pay. It may be that in one particular instance, there may be a little difference of Rs. 10 or so in the maximum but not in the minimum. The revised scales of pay have been fixed by Government with a view to simplify and rationalise the existing pay structures for which a set of standard scales have been devised and posts allotted to them on the basis of the aggregate of the average of the revised pay-scales of 1934 and the *ad interim* increases in pay sanctioned in 1946 and 1947. But the employees have the option to remain in the post-1931 scale if they consider that to be adversely affected by the revised pay-scale.

**8J. DEBENDRA NATH SEN:** Will the Hon'ble Minister be pleased to state whether it was the announced policy of the Government that the revised pay of nobody would be lower than the post-1931 pay *plus* the *ad interim* allowances?

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** I have already said that ordinarily for all persons who were put into the new scale, the scale of pay was not lower than the post-1931 scale, if you take away the *ad interim* increases, but we also provided that in case a person feels aggrieved about the new scale of pay, he might choose to remain under the post-1931 scale.

**8J. DEBENDRA NATH SEN:** Will the Hon'ble Minister be pleased to state whether it is a fact that the pay-scale for the same category of workers is different as between different Presses, for instance in the Secretary's Press and the West Bengal Government Press—it being lower in the Secretary's Press?

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** The pay-scales have been revised with the purpose of finding out what actual amount of work has to be done by a particular officer and not necessarily his name as the answer bears.

#### **Provision of a level-crossing at Agarpara railway station.**

**23. 8J. SIBNATH BANERJEE:** (a) Will the Hon'ble Minister in charge of the Works and Buildings Department be pleased to state with reference to the starred question No. 37 regarding provision of a level-crossing at Agarpara railway station to which reply was delivered on the 4th April, 1949, if the Government has moved the Railway authorities for opening the level-crossing at the said station in pursuance to his reply to clause (b) of the above question, and if so, what was the result thereof?

(b) Will the Hon'ble Minister be pleased to state if it is a fact—

- (i) that the level-crossing at the north of the station referred to in clause (a) (i) in the reply of the said question existed long before the said railway station was created;
- (ii) that at the time of creation of Agarpara station, Railway authorities provided (1) a foot bridge at the northern end, and (2) a level-crossing at the southern end of the platform of the said station;
- (iii) that Railway authorities subsequently closed the level-crossing and shifted the foot bridge from the northern end to the southern end of the station platform;

- (iv) that the local people and Panihati Municipal authorities have been representing to the Railway authorities continuously for the last 15 years for reopening the level-crossing at the said station;
- (v) that once in 1936 the Railway authorities on representation of the local people agreed to reopen the said level-crossing but subsequently dropped the idea;
- (vi) that in supersession of a prayer of the local people for provision of the level-crossing at the said station Railway authorities recently provided two level-crossings at a distance of few yards south of the said station at their own cost and that these are only meant for the use of Texmaco Factory; and
- (vii) that the people on eastern side of the railway line are to go round about 2 to 3 miles in order to go to the local Kamarhati Hospital and cremation ground for want of the said level-crossing?
- (c) If the reply to (b) is in the affirmative, will the Hon'ble Minister be pleased to state with reference to clause (b) (vi)—
  - (i) the amount of expenditure, both capital and recurring, incurred by the Railway authorities for opening the two level-crossings for the Texmaco Factory;
  - (ii) the reasons thereof; and
  - (iii) if he considers the desirability of urging the Railway authorities concerned to provide the level-crossing at the southern end of the Agarpara railway platform at the cost of the railways at an early date; and if not, why not?

**MINISTER in charge of the WORKS and BUILDINGS DEPARTMENT (the Hon'ble Bimal Chandra Sinha):** (a) Yes, the Railway Ministry, Government of India, were moved for providing a level-crossing to the south of the station, but they have not agreed.

(b) (i), (ii) and (iii) No definite information is available on these points.

(iv) and (vii) Yes

(c) It is understood that the Railway administration once agreed in the year 1935 to the opening of a level-crossing at the south end of the Agarpara railway station by closing down another level-crossing (No. 3/T) existing at a distance of about 0.75 mile from the station to its south, provided the villagers were agreeable to defray the cost involved therein. Subsequently this proposal of closing down the level-crossing No. 3/T was abandoned in view of the industrial development of this area, and the opening of a new level-crossing at the south end of the station was also dropped.

(vi) The Railway authorities who were consulted said that no new level-crossing was recently provided by them on the south of the station. The level-crossings referred to are in existence there for more than ten years past. These are meant not only for the use of the Texmaco Factory but for the public as well.

(c) (i) and (ii) Do not arise.

(iii) This Government are in correspondence again with the Government of India about this matter.

**SJ. SIBNATH BANERJEE:** With reference to answer (a) where he says "Government of India were moved", will the Hon'ble Minister be pleased to state when were the Government of India moved?

**SJ. JYOTI BASU:** Mr. Speaker, Sir, as the Hon'ble Minister is not here, I think the question should be held over.

**Mr. SPEAKER:** No, no. (Pointing out to S<sub>j</sub>. Harendra Nath Dolui.) He is the Parliamentary Secretary, he is there and the power is delegated to him to answer the questions.

**S<sub>j</sub>. SIBNATH BANERJEE:** Sir, has he been authorised?

**Mr. SPEAKER:** Yes.

**S<sub>j</sub>. HARENDRA NATH DOLUI:** Please repeat the supplementary question.

**S<sub>j</sub>. SIBNATH BANERJEE:** With reference to answer (a), namely, "Government of India were moved for providing a level-crossing to the south of the station", বহীষদাশয় বলবেন কি করে move করা হয়েছে?

**S<sub>j</sub>. HARENDRA NATH DOLUI:** In 1935.

**S<sub>j</sub>. SIBNATH BANERJEE:** আমি প্রশ্ন করেছিলাম 1949এ কিন্তু আগে থেকে anticipate করে দি করা হয়েছে।

**S<sub>j</sub>. JYOTI BASU:** May I suggest, Sir, that the question be held over, because it is impossible for the Parliamentary Secretary to answer such things. He does not know the subject-matter.

**Mr. SPEAKER:** He is the Parliamentary Secretary who is entitled to give the answer.

**S<sub>j</sub>. SIBNATH BANERJEE:** Sir, in fairness to him I say that he should not reply to these supplementaries. The question was put in 1949 and a reply was given. I am putting the question now in a different shape and he says that reference was made in 1935, but that is not so. In 1935 the Railway Administration once agreed to open a level-crossing, but subsequently the proposal was dropped.

**Mr. SPEAKER:** When the Parliamentary Secretary is prepared to give the answers I cannot rule him out.

**S<sub>j</sub>. SIBNATH BANERJEE:** I request the Parliamentary Secretary, through you, Sir, not to try to give the reply which is not very satisfactory. It does not mean any reflection, but unless a man goes through the records, how can he answer questions satisfactorily.

**Mr. SPEAKER:** I think you should put the question when he is prepared to give the answer.

**S<sub>j</sub>. SIBNATH BANERJEE:** Sir, I put a question to which he gave a reply from which I feel convinced that no satisfactory answers to supplementaries can be expected of him.

**The Hon'ble BHUPATI MAJUMDAR:** Sir, this is a reflection on the member.

(At this stage the Hon'ble Bimal Chandra Sinha entered the Chamber.)

**Mr. SPEAKER:** Now, the Hon'ble Minister has come and I think he will give the reply.

**S<sub>j</sub>. SIBNATH BANERJEE:** All right, Sir.

**The Hon'ble BHUPATI MAJUMDAR:** Sir, even in the presence of the Hon'ble Minister, his Parliamentary Secretary can give reply.

**The Hon'ble BIMAL CHANDRA SINHA:** I must apologise, Sir, for coming late, but my Parliamentary Secretary was there. If the honourable member puts questions, I am here to answer them.

**SJ. SIBNATH BANERJEE:** I will allow him two minutes to go through the matter.

**Mr. SPEAKER:** No, no. You can put your questions.

**SJ. SIBNATH BANERJEE:** With reference to answer (a), namely, "Yes, the Railway Ministry, Government of India, were moved for providing a level-crossing to the south of the station." এটা কবেছিলেন করে? আনি move করেছিলেন। তার উত্তরে Parliamentary Secretary answered "in 1935", কিন্তু প করেছিলেন 1949এ।

**The Hon'ble BIMAL CHANDRA SINHA:** That is correct. There was an original proposal which emanated from the Government of India. That was in 1935. But after the question was raised in this House, this matter was referred again to the Government of India.

**SJ. SIBNATH BANERJEE:** When? After the question was put second time?

**The Hon'ble BIMAL CHANDRA SINHA:** After first time. That was sometime in 1949.

**SJ. SIBNATH BANERJEE:** The question was replied to in April, 1949.

**The Hon'ble BIMAL CHANDRA SINHA:** The matter was sent to the Government of India just after the question was answered.

**SJ. SIBNATH BANERJEE:** Since then I had at least two discussions with the Hon'ble Minister and then I put this question.

**Mr. SPEAKER:** Mr. Banerjee, please put your question in the proper form.

**SJ. SIBNATH BANERJEE:** With reference to answer (b)(vi) where it has been said that "the level-crossings referred to are in existence there for more than ten years past. These are meant not only for the use of the Texmaco Factory but for the public as well." We are told now that they are meant not only for Texmaco Factory but for the public also. We accept it. Will the Hon'ble Minister be pleased to state whether he is aware that there is no level-crossing to the south of the station?

**The Hon'ble BIMAL CHANDRA SINHA:** I have already stated in the reply that the railway authorities are of the opinion that as there is already one level-crossing not very far away from the station which is meant for the public also and there is a foot overbridge at the station, no further level-crossing is necessary.

**SJ. JYOTI BASU:** With reference to answer (c)(iii), will the Hon'ble Minister be pleased to state whether the reply has yet been received from the Government of India?

**The Hon'ble BIMAL CHANDRA SINHA:** The Government of India was not referred to on these things. I do not think that these points are very material. They have not agreed to have another level-crossing on account of cost and also on account of the fact that there are other level-crossings. I think the point that whether there was any level-crossing to the south of the station at anytime is an immaterial point.

**SJ. JYOTI BASU:** Sir, I do not think that my question has been answered. In answer (c)(vi) it is stated "This Government are in correspondence again with the Government of India about this matter". My question was whether reply has been received since then?

**The Hon'ble BIMAL CHANDRA SINHA:** No; not yet.

**SJ. JYOTI BASU:** With regard to answers (b), (v) and (vi), will the Hon'ble Minister be pleased to state if the attention of the Government of India has been drawn to the fact—a very material fact—that two new level-crossings have been provided to the south of the station within the last 10 years, whereas the demand was standing there for the last 15 years for another level-crossing which has not been granted by the Government of India?

**The Hon'ble BIMAL CHANDRA SINHA:** Yes; that was brought to the notice of the Government of India.

**SJ. SIBNATH BANERJEE:** With reference to answer (b)(i), (ii) and (iii), namely, no definite information is available on these points, মাননীয় বকী মহাশয় বলবেন কি সাধারণ যে প্রশ্ন সাধারণ যে খবর যা supply করা হল সে সম্বন্ধে কার কাছে enquiry করে তিনি definite information পান নি?

**The Hon'ble BIMAL CHANDRA SINHA:** We have made local enquiries and also made enquiries from the local railway officials.

**SJ. JYOTI BASU:** With reference to the answer just now given, is the Hon'ble Minister aware that there is a map which I possess of the station-yard in which this level-crossing is shown?

**The Hon'ble BIMAL CHANDRA SINHA:** I shall be grateful if the honourable member will kindly show it to me, so that I can take it up with the Government of India.

**SJ. SIBNATH BANERJEE:** The question (b)(ii) is that the railway authorities provided a foot bridge at the northern end, and a level-crossing at the southern end of the platform of the said station. The reply given is that no definite information is available on these points. May I know in this connection of whom did he enquire with the result that no definite information has been available?

**The Hon'ble BIMAL CHANDRA SINHA:** I have given that information. We have enquired from the local people and from the local railway officials.

**MR. SPEAKER:** Questions over.

#### Public Accounts Committee.

**MR. SPEAKER:** Before I go on to the next item. I would like to announce that the following members have been duly elected to the Committee on Public Accounts:—

- (1) Sj. Umesh Chandra Mandal,
- (2) Sj. Bimal Comar Ghose,
- (3) Sj. Kuber Chand Haldar,
- (4) Sj. Susil Kumar Banerjee,
- (5) Sj. Dharendra Narayan Mukherjee,
- (6) Janab Mahammad Idris,
- (7) Sj. Shyamapada Bhattacharyya, and
- (8) Sj. Iswar Chandra Mal.

The Committee will consist of these members and the Finance Minister who shall be a member *ex-officio*.

**Sj. BIMAL COMAR CHOSE:** On a point of privilege, Sir. I have been a member of this Committee ever since this House was constituted but we have not up till now met in this Committee at all. I do not know what rights we have and what redress you can give us in the matter. We would like to know what the position is with regard to the expenditure that we pass and the report we receive from the Accountant-General, whether there is any fixed time for the submission of this report, when this report is normally expected. I may also point out that although this Committee was constituted from year to year so far there has not been any occasion to examine the accounts, and unless the report is presented to us in the immediate future there is no use just appointing a Committee.

**Mr. SPEAKER:** The Committee on Public Accounts is appointed by the House but the question has been raised that it has not been functioning. May I know for how many years it is not functioning?

**Sj. BIMAL COMAR CHOSE:** For the last 6 years—since 1946. Of course the present Government is not responsible up to 1948 but it is responsible since 1948.

**Sj. J. C. GUPTA:** I believe we used to have a report before the Assembly also?

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** Since we left the Opposition I do not think this Committee has met.

**Mr. SPEAKER:** Now, with regard to this question, I understand from the Secretary that the Accountant-General sends a report and then that report is placed before the House and then it is placed before the Committee on Public Accounts who examines it. That report not having been received it has not been placed before the Public Accounts Committee. But why the report has not been received, what are the reasons therefor, it is not for me to say.

**Sj. SIBNATH BANERJEE:** Mr. Speaker, Sir, on a matter of privilege. Formerly, it was the convention in this House that in these Committees more or less half of the members were taken from the Opposition after discussion with the Leader of the Opposition, Chief Whip of the Opposition and Government. We find now that that practice has been given up—whether they are Select Committees or Public Accounts Committees or other Committees. Through you, Sir, I would like to draw the attention of the Leader of the House to this aspect of the matter.

**Sj. DHIRENDRA NARAYAN MUKHERJEE:** Sir, may I draw the attention of the Government through you when we can expect that this report will be submitted before the Assembly; otherwise the Public Accounts Committee will not be able to function this year or probably next year.

**Mr. SPEAKER:** So far as that matter is concerned, I am not aware of it. When the report will come it will be placed before the Assembly.

So far as the election of members to different committees and the representation of the opposite camps on them is concerned, it is a matter of election and that is for the parties to arrange between themselves. I have got nothing to do in the matter.

#### **Annual Report of the Public Service Commission, West Bengal, 1950, and Explanatory Memorandum.**

**Mr. SPEAKER:** The next item is the presentation of the Annual Report of the Public Service Commission, West Bengal, 1950, and Explanatory Memorandum.



**SJ. BIMAL COMAR CHOSE:** On a point of order, Sir. It has been pointed out to me that there is a certain irregularity in the matter.

**Mr. SPEAKER:** Let the report be laid first.

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** With your permission, Sir, I lay before the House the Annual Report of the Public Service Commission, West Bengal, 1950, for the year ended 31st March, 1950, as also the Explanatory Memorandum explaining, as respects the cases where the advice of the Commission could not be accepted during the period, the reasons for such non-acceptance in accordance with the provisions contained in sub-clause (2) of Article 323 of the Constitution of India.

**SJ. BIMAL COMAR CHOSE:** As I said, it has been pointed out to me that there is a certain irregularity in the presentation of this report and I should like to have your decision in the matter. The report is being presented under sub-clause (2) of Article 323 of the Constitution of India which reads as follows:—

“It shall be the duty of a State Commission to present annually to the Governor or Rajpramukh of the State a report as to the work done by the Commission, and it shall be the duty of a Joint Commission”, etc., etc.—I need not go any further than that. It says clearly here that the State Commission should present its report to the Governor. In this case the report was presented not to the Governor but to the Finance Secretary of the Government of West Bengal. It may be said by way of explanation, Sir, that “Governor” here means “Government” and that there was nothing wrong in the report having been sent to a Secretary of the Government. But the position, to my mind, is otherwise. In the Article quoted by me it is specifically stated that the report should be presented to the Governor. I find many other Articles in this Constitution of India where it is laid down that things will have to be done by the Governor which, I submit, Sir, cannot be constitutionally done by the Government or by a Secretary of the Government, for example, in the matter of giving assent to Bills. There are many Bills which really are not such as require the use of discretion by the Governor and yet the Bills as a whole are being assented to by the Governor.

Then again if you refer to Article 176 of the Constitution of India you will find it provided that at the commencement of every session the Governor shall address the Legislature. It cannot be construed that “Governor” means “Government” and that any Minister of the Government may also deputise for the Governor on such occasions and in such matters. In this Article it is specifically laid down that the Governor shall address the Legislative Assembly and that is being done by the Governor only. Also, Sir, if you will look at the letter, dated the 10th February, 1951, addressed by the Secretary, Public Service Commission, West Bengal, to the Secretary to the Government of West Bengal, Finance (Audit) Department, it reads as follows: “I am directed to refer to demi-official letter No. 3860P.S.C., dated the 14th August, 1950, addressed to Sri H. C. Sen, Secretary to the Governor, forwarding a Report of the Public Service Commission, West Bengal”, etc., etc. From this it is very clear that the old Public Service Commission had already forwarded its report for the same period, namely, for the year ending 31st March, 1950, to the Governor through his Secretary and not to the Secretary of the Government in the Finance Department or to the Government as such.

The question may arise as to when “Governor” will mean “Government”. If I state that when the report is presented here, as Article 323(2) says that the Governor shall cause a report to be laid in the House, and

if I argue that "Governor" must himself come and lay it or he must himself explain if there is any question on our part to ask about the report, then you would say that "Governor" here means "Government" because Government will be able to reply to the actions taken by them. But when the Constitution lays down that the report should be placed by the Governor and although it is a technical point, if you consider that the report has not been presented in a proper form it should not be placed before the House.

**Sj. ANNADA PROSAD CHOUDHURY:** মাননীয় বন্ধু বিমল বাবু যা বললেন তার সমর্থনে ইহাই বলতে চাই,—উনি বলেছেন Governorএর কাছে দেওয়া বা Secretaryর কাছে দেওয়া report, তার কোনোটা গ্রহণযোগ্য হবে। পূর্বে যে Commission যে periodএর report দাখিল করেছিলেন, তার একটি report ১৯৫০ সালের ১৪ই আগস্ট তারিখে Governorএর কাছে পাঠান হয়েছিল। তখন সেই Commission in office ছিলেন এবং তাঁরা সেই report পাঠিয়েছিলেন to the Secretary to his Excellency the Governor of West Bengal সেই report West Bengal Government Pressএ ১১৩ একস্ নম্বর orderএ পাঁচশো copy ছাপান হয়েছিল। তাব একটি copy আমাব কাছে আছে, যদি চানত দিতে পারি। কিন্তু তারপরেও কি কারণে সেই পরের Commission যীরা সেই periodএ ছিলেন না, তাঁরা এসে ১৯৫১ সালে ১০ই ফেব্রুয়ারী আর একটি report পাঠিয়েছেন? এবং আশ্চর্যের বিষয় এই যে যে reportটা পাঠিয়েছেন সেটাও আবার ঠিক ১১৩ একস্ নম্বর orderএ পাঁচশো copy তাঁরা ছাপান West Bengal Government Press থেকে। তাঁরা যে শুধু Secretary বা Governorএর কাছে পাঠিয়েছেন তা নয়, তাঁরা বলেছেন আগে যে report Governorএর কাছে পাঠান হয়েছিল সেই reportটা Public Service Commission have since re-examined this report and have come to the conclusion that it included matters that were really outside its scope. তার মানে তখন যীরা এই report দেওয়ার অধিকারী বা তখন যীরা সচিব সচিব এই report দিয়ে গিয়েছেন, তার পরের বছর আর একটি Public Service Commission এসে পূর্বের Public Service Commissionএর reportটা revised করে তার কতক অংশ বাদ দিয়ে আবার আর একটি report Governorএর কাছে না পাঠিয়ে Finance Departmentএর Secretaryর কাছে পাঠিয়েছেন। তাই আপনার কাছে নিবেদন, আমরা কোন reportটা পেতে পারি বা পেতে পারার দায়িত্ব। যে report পূর্বের Public Service Commission Governorএর কাছে পাঠিয়েছিলেন, সেইটা, না পরের Public Service Commission এসে আবার যে revised report Finance Departmentএর Secretaryর কাছে পাঠিয়েছেন, সেইটা (কোনটা আমরা নেব? এই যে দু'টা report দু'বার ছাপান হল তার মধ্যে কি যত্নবিশি বা কাবণ আছে তা আমরা জানি না। এবং কেন দু'টা ভিন্ন report একই order নম্বর (113X) দিয়ে এবং পাঁচশো copy করে গভর্নমেন্ট প্রেস থেকে ছাপান হয়েছে? আমরা পূর্বের Public Service Commissionএর যে original report সেইটা না, সেইটাকে কেটে, বাদ-চাঁদ দিয়ে বর্তমান Public Service Commission যে revised report দিয়েছেন সেইটা পেতে অধিকারী? সে বিষয়ে প্রকৃত অবস্থা জানার জন্য আমি গভর্নমেন্টের দৃষ্টি আকর্ষণ করছি।

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** I believe my friends are making a confusion in thinking that the Commission begins on a particular date and ends on a particular date. The Commission is a continuing Commission. As a matter of fact some of the members of the present Commission were there in September: some joined later: but the Commission has always the authority to reconsider a report.

The second question that has been asked is which report are we to consider? My friend, Mr. Annada Prosad Choudhury, is more fortunate than most of us. We have not seen the other report, but he has got a copy of the other report. That is the privilege of being an Editor or being connected with newspapers. That does not, however, concern us. We have to consider the report that is placed before us.

The third point is that the Commission which sent this report have said why they have sent this report in a modified form. It says that they have re-examined the report. The Commission is a continuing body and the Commission have since re-examined the report and has come to the conclusion that it included matters which were really outside the scope of Article 323(2) of the Constitution. That article evidently limits the report to a factual statement of the work done by the Commission during the year under report and seemingly excludes all opinion matters. The Commission have, therefore, decided to send to Government a revised report for the year ending 31st March, 1950. One hundred and fifty copies of this revised report have been sent and the previous report may be treated as withdrawn. I do not think that there is any question about this letter that this does not give us a correct position of affairs. It has been the convention in this House that these matters which are really reports from the Commission to the House or the comments of the House that may be made can only be answered by the Commission itself as to why they have considered to change the report. We have nothing to do with them.

The fourth question that has been asked is why has it been sent once to the Governor and the other to the Secretary. I do not know what argument S<sup>r</sup>. Bimal Comar Ghose wanted to put forward but we all know that the Governor under the present Constitution unless he is acting as an individual, apart from Government in his individual capacity, always means the Government. In this case the report was sent to the Government and it was also sent to the Governor. As to whether the Governor himself should come here and present the report, I think, the suggestion even is something amazing, and in this connection he has referred to Article 323(2). That Article says: The Governor or Rappanmukh, as the case may be, shall, on receipt of such report, cause a copy thereof together with a memorandum explaining, as respects the cases, if any, where the advice of the Commission was not accepted, the reasons for such non-acceptance to be laid before the Legislature of the State. Now if the word "Governor" means Governor himself in his personal capacity, he is not in a position to give any information to the House as to why and under what particular condition the advice of the Commission was not accepted. Obviously, the whole construction of the paragraph is that the Governor is the Government and then if the letter has been addressed to the Finance Secretary no harm has been done because the Article says that the report shall be sent to the Governor which means Government and therefore the Government has to act in a particular manner. One of the actions of the Governor is to give an explanation or the reasons why the Commission's advices were not accepted and therefore the Governor has to report the matter to the Government and the Government have given the report and therefore this report as it has come to us is the report we shall consider.

**S<sup>r</sup>. ANNADA PRASAD CHOUDHURY :** By way of personal explanation, Sir, মাননীয় মন্ত্রী মহাশয় বলেছেন আগেকার report আমাদের কাছে কি করে এসেছে; এবং তিনি আরো বলেছেন তিনি নিজেই নাকি সোঁচ দেখেন নাই, কিন্তু Public Service Commission ৫০০ কপি ছেপেছিলেন তার মধ্যে ১৫০ পাঠিয়েছিল to the Secretary to His Excellency the Governor তাতে তাঁরা একথাও লিখেছিলেন সে চিঠিটা আমি পড়ে লিচ্ছি "I am to request you to let me know in advance for the information of the Commission the date of presentation of the report to the State Legislature. One hundred and fifty copies of the report are enclosed herewith for the purpose of advance circulation to Government departments." তারপর আমি বলেছি যে Public Service Commission থেকে যে report সেটা হয় to the Secretary to His Excellency the Governor তাতে এটাও আছে to be circulated to Government departments. তারপরেও যদি বলেন প্রধান মন্ত্রী মহাশয় যে তিনি

সেটা দেখেন নাই আর আমি কোন অজ্ঞাত কারণে—স্ববরের কাগজের সঙ্গে ভড়িত আছি বলেই পেয়েছি—তবে আমরা তা মানতে পারি না। আমি যে এটা পেয়েছি তাব মধ্যে অস্বাভাবিক কিছু নাই। ৩৫০ copyর মধ্যে ১৪৯ কপি Secretariat এ পঠান হয়েছে। পুরান মন্ত্রী মহাশয় যদি তা না দেখে থাকেন, তার একটা copy আমার হাতে এলো অজ্ঞাত কারণে স্ববরের কাগজের সঙ্গে যুক্ত আছি বলে এটা কি একটা যুক্তিসঙ্গত কথা, এবং সেই কথা কি আমাদের মানতে হবে এইটা by way of personal explanation আমি আপনার কাছে নিবেদন করছি।

**Sj. DEBENDRA NATH SEN:** Again on a point of order. Have the subsequent members of the Commission, even considering it to be a continuing Commission, a right to alter the report of the previous members, taking into consideration that the subsequent members were not members during that period?

**Sj. J. C. GUPTA:** Mr. Speaker, Sir, I have, as you know, in the past always insisted upon the work of the Public Service Commission to be done without any interference from Government or anybody, and the compliance with the recommendations of the Public Service Commission I have insisted upon during my tenure as a member of the Legislature. I would like to know whether according to the terms when on the 14th August, 1950, the report of the Public Service Commission for the working in 1950 was submitted, was there any option left with anybody not to present the report to the House but either to send it back or to keep it back or get it changed? I cannot understand how this has been done and I would like to know the explanation on that point. True, as the Chief Minister says, the members of the Public Service Commission are a continuing body, but that is not the point. The report of the year ending on 31st March, 1950, is to be submitted by the Public Service Commission of that time and it shall be the duty—it is the bounden duty—to place it before the House. The House was entitled to receive that report and to consider the report. How, we want to know from the Government, that report was not before the House, why that report was not before the House and how the members of the Public Service Commission who had nothing to do with the working of the Public Service Commission for the period ending March, 1950, came to change that report? These are the things on which information is necessary apart from the point of privilege that has been raised.

**Janab MUDASSIR HOSSAIN:** Mr. Speaker, Sir, it appears in Article 323(c) that the report must be submitted to the Governor and the Governor after going through it as to why the recommendations of the Commission were not accepted in certain cases will give the reason and this reason cannot be given by the Governor himself. It must be sent to the Government for recording the reasons and after the reasons were recorded why in certain cases the recommendations of the Commission were not accepted and then, Sir, a copy of the record of such reasons should be laid before the House.

Now, Sir, this report has been laid before the House by the Government. If the Government or the Chief Minister, whoever lays this report before the House, says, as in the case of the Budget Demand “on the recommendation of the Governor this demand is made”, that at the request or on the recommendation of the Governor this report is laid, that will be sufficient, that will do away with all the difficulties that my friends have raised here.

**Sj. BIMAL COMAR CHOSE:** I was just saying that the Chief Minister has said that I was suggesting that the Governor should come here and explain the points that might be raised in the Commission's report. I did not suggest that nor is that necessary, because in the Act it is said “The report shall be forwarded to the Governor and the Governor shall cause to

lay". In the Act it is said that the Governor need not himself lay the report but he shall cause to lay the report, that is, he might entrust the laying of the report to the Government. In the same way when the Governor addresses this House the Governor comes and addresses the House but criticisms are made of his speech but the Government on behalf of the Governor replies to the points that the Governor had raised in his own speech. The Governor himself does not come to the House and answer to the criticisms that are made by the members of the House. The answer is given by the Government. In the same way I maintain that it was incumbent for this Public Service Commission to forward the report to the Governor and the Governor to adopt any measures that the Governor may consider necessary for causing it to be laid and for discussion later on.

**Sj. DEBENDRA NATH SEN:** I would raise another point of order. I find from the report that the report submitted by the old members was dated 14th August; then after that new members came and they recalled that report from the Governor on the 10th February by a letter in 1951. Have the subsequent members any right to recall a report—is that provided for in the Constitution? And then, Sir, I would also like to raise this question that during these 10 months why the report was kept pending, why it was not considered, why it was not accepted and whether anything towards that direction has been done in the meanwhile. All these are very material points. Unless we know this it becomes absolutely difficult for us to give any opinion and having of this report before us before we know these things is meaningless.

**Sj. ANNADA PROSAD CHOUDHURY :** Sir, আমি আব একটা কথা বলতে চাই, শেষে যা দেওয়া হয়েছে revised report with a covering letter তাতে বলা হয়েছে,—The Commission have since re-examined this report and have come to the conclusion that it included matters which were really outside the scope of Article 323(2) of the Constitution. বিহু actually আবেদার report আর বক্তাবন report একই place কথা হলে তাতে দেখা যাবে তিনটি জিনিস বাদ পড়েছে। একটি হচ্ছে—

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** Sir, is it general discussion, or is it a point of order?

**Mr. SPEAKER:** It is a point of order, namely, whether Government can present this report which is being presented to the House and whether it is really the report of the Public Service Commission or not.

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** Sir, are the contents of the report now open for discussion?

**Mr. SPEAKER:** No. It is only to point out whether it is relevant. Whenever a point is raised whether it is relevant or not he is entitled to object to it on a point of order by referring to certain things but certainly he cannot go into the merits of the report.

**Sj. ANNADA PROSAD CHOUDHURY :** সরকার এরিয়ে যেসব regulation পাশ করেছেন তা বাদ দেওয়া হয়েছে, original report যা Governor-এর নিকট দেওয়া হয়েছিল তা থেকে এই যে report place করা হয়েছে আমদের কাছে, তাতে বলা হয়েছে যে এতে কতকগুলি জিনিস irrelevant বলে বাদ দেওয়া হয়েছে। সেই hypothetical case-এর ভিতর না গিয়ে আমি বলতে চাই—

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** How does this come in? It is not before the House.

**Mr. SPEAKER:** Mr. Choudhury, so far as the point of order is concerned, we have to limit our discussion on the point of order and not go into the facts or merits of the case. Therefore whatever you say you have to say only in respect of the point of order.

**SJ. ANNADA PROSAD CHOUDHURY:** I quite follow. It was entirely relevant. *এব মতো বলা হয়েছে—*

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** Sir, we are entitled to know what he is reading from.

**SJ. ANNADA PROSAD CHOUDHURY :** এই যে report আমাদের কাছে place করা হয়েছে এটা Finance Secretaryর নিকট পাঠান হয়েছে। তাতে বলা হয়েছে original report revised করা হয়েছে, কারণ তার মধ্যে কতগুলি ভিনিয় ছিল যা খাফা উচিত ছিল না, এই বনো revised report দেওয়া হয়েছে। এখন point হচ্ছে, এই theoretical বা hypothetical cases দিকে না গিয়ে যে original reportএ যেসব point ছিল সেসব irrelevant কিনা এটা বিবেচনা করা দরকার ইহাই নিবেদন করতে চাই।

**Mr. SPEAKER:** Don't go beyond the facts of the case. I am concerned only with the point of order and not with the facts in this report of the Public Service Commission or in the other report of the Public Service Commission.

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** I do not follow the argument at all. There is only one report before us. We have not got two reports. One report has been sent by the continuing Public Service Commission. That report is before us. Why should he bother that the report might have been sent to the Governor or to somebody else?

**SJ. JYOTI BASU:** I think the Chief Minister is absolutely wrong, because he has himself said about the other report.

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** For the simple reason that I was answering Mr. Bimal Comar Ghose.

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** The point of order has no substance in it, because there is only one report. There is no other report, and the Public Service Commission is quite at liberty to correct or alter or amend their report, and nobody is to dictate to the Public Service Commission as to what they should do or should not do.

(Several members rose to speak.)

**Mr. SPEAKER:** Order, please. If anybody wants to say anything he may rise on a point of order, and he should confine himself to the points and not go into details.

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** Sir, point of order has been raised about two reports. My point is that there is no question of two reports. The Public Service Commission has only one report, and if the Public Service Commission thought it fit to correct, alter or amend their report, it is entirely the business of the Public Service Commission. So far as this House is concerned, we are concerned only with one report which is before the House.

**SJ. JYOTI BASU:** Is the Hon'ble Minister raising a point of order, or what?

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** I am raising a very important point on the confusion and imaginery idea that there are two reports before this House. We have got one report, and the Public Service

Commission which have drawn up this report—it is for them to decide what report they should make. As to whether they should alter, amend or change it, it is entirely left to them.

**Sj. JYOTI BASU:** Sir, sometimes you should call to order the Judicial Minister because he does not know what he is talking about.

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** Do you know what you are talking about?

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** I quite appreciate that whenever Sj. Jyoti Basu opens his mouth he puts his foot into it. That is his habit.

**Mr. SPEAKER:** Let us hear what Mr. Choudhury's point of order is.

**Sj. ANNADA PROSAD CHOUDHURY :** এই যে দু'টো report তার উল্লেখ—যাক যে report দেখা হয়েছে তার covering এই আছে--

**Mr. SPEAKER:** That is obvious.

**Sj. ANNADA PROSAD CHOUDHURY :** তার আগে যে original report ছিল যা latter Public Service Commission revise করেছিলেন, সেই original Public Service Commissionএর report যদি পাওয়া যায়, এর ১০০ copy Governmentএর কাছে তারা পাঠিয়েছিলেন আর লে latter যে Public Service Commissionএর report সেটা যে revise করে দিয়েছে, সেটা সত্য কিনা এবং এর কোনটা আমাদের কাছে আসা উচিত।

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** Sir, I am sorry, the honourable member is trying to mislead the House. From a perusal of this, it is quite clear that on the report of the Public Service Commission they sought to make certain corrections, but that fact cannot be construed as their having submitted two reports. In the production of a report there have been many stages. There must have been either a manuscript or typescript. Then they must have gone to the press, then there must have been proofscript, there must have been corrections, then there must have been either the final proofs or a booklet. If at any stage the Public Service Commission thought fit to correct, alter or amend their report, it does not mean that the report becomes a multiple report—one report in manuscript or typescript, one report in proofscript, one report in print with the mistakes and so on. So, I put it that the honourable member is deliberately trying to mislead the House and confuse it by suggesting that there are two reports which is not a fact.

**Mr. SPEAKER:** Order, please. You said "deliberately trying". That is a remark which you should not make.

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** I bow to your request. The effect is that the House gets confused if one imagines that there are two reports and confuses us by saying that there are two reports. We have only one report before the House.

**Mr. SPEAKER:** I have heard Mr. Choudhury's point of order and also the points raised by the Opposition as well as by the Government side. Section 323(2) is a new section introduced in the new Constitution, and it provides that "it shall be the duty of the State Commission to present annually to the Governor a report as to the work done by the Commission" and the Governor "shall, on receipt of such report, cause a copy thereof together with a memorandum explaining, as respects the cases, if any, where the advice of the Commission was not accepted, the reasons for such non-acceptance to be laid before the Legislature of the State".

Now the position is this: To me it appears that in this section the Governor means the Government, because when explanation has to be given in respect of those cases which have not been accepted by the Government, naturally nobody else than the Government itself can give that explanation. Under the new Constitution, I find that everything which is done by the Governor may be done in the name of the Governor, but it is really done by the Government itself except in so far as he is by or under this Constitution required to exercise his functions or any of them in his discretion; and on the question of discretion the Governor's decision is final. That is provided in Article 163 of the Constitution. Now the Constitution does not provide that this duty is to be done by the Governor in his discretion. Therefore to me it appears that the duty is to be done by the Government which is to give the explanatory memorandum.

Now, the Government comes before the House and presents a report which is the report of the Public Service Commission. Of course a letter is also printed in the report from which it appears that there was a report sent previously and that the Public Service Commission has revised that report and has made this report as the report of the Public Service Commission. Now what are the rights of the Public Service Commission is, I believe, beyond my competence to say. To me it appears that so long as the report is not presented to this House, the Public Service Commission may, if it so desires, rightly or wrongly, I am not concerned with that, say that the report requires modification before the report is presented to the House. To my mind it appears that the Public Service Commission is entitled to have the report revised. I must make it quite clear that I do not say as to whether the Public Service Commission was justified or not justified; that is for the Commission to look into, but the authority which presents the report if it thinks later on that the report requires modification, and before the report for some reason or other is not presented before the House, being a continuing body it is entitled to make such modification for such reason as it likes. Of course it may be subjected to such comments and criticisms as the House may desire to make. Therefore this does not debar the House from making the reference that there was a previous report. I do not know as to whether the previous report is capable of being presented to the House or not. When that question will arise I will do what is useful under the circumstances, but so far as the present report is concerned, it appears to me that I cannot shut out the report which is presented by the Government for whatever it is worth, because the House will recognise the report presented by the Government purporting to be from the Public Service Commission as the report which is to be considered by the House.

Now, with regard to the question that the forwarding letter has been addressed to the Finance Secretary and not to the Secretary to His Excellency the Governor, to me it appears that probably the better course would have been to send it to the Secretary to His Excellency the Governor than to the Government Department. I am not familiar with the *modus operandi* which is in vogue in the Secretariat or in the departments of the Government regarding these matters or in the office of the Public Service Commission. In any event the utmost that I can say that even, if I assume that the report should have gone to the Secretary to the Governor, — it is a case of mere irregularity not going into the root of the admissibility of the department, because after all the report has to be presented to the House by the Government and the mode of communication becomes immaterial when we know that the explanation is to be given not by the Governor but by the Government itself. Therefore to me it appears that the point of order which has been raised in the House can only be relevant on this point as to whether I am entitled to shut out this report from being presented in this House or not.



With regard to other matters they are matters of opinion and it may be that some of them are beyond my jurisdiction to decide. On the facts and considerations that I have presented to you, without saying anything on the merits or demerits of the procedure adopted, it will not be proper for me to prevent the Government from presenting this report of the Public Service Commission which the Government likes to lay before the House. Now the report is before the House and whatever procedure the House wishes to adopt either for its discussion or for an expression of opinion of the House on the procedure adopted by the Secretary of the Public Service Commission in forwarding the report to the Secretary of a Government Department instead of to the Governor through his Secretary, or both, it is for the House to decide. But as Speaker of this House, to whom a point of order has been referred in connection with the presentation of this report of the Public Service Commission, I feel that I shall not be justified in shutting out the presentation of this report which the Government chooses to present before the House as the report of the Public Service Commission. I do not think I have got to deal with any other point.

**SJ. DEBENDRA NATH SEN:** Sir, this report has been placed before us just a few minutes ago. It has already raised many points to which you yourself adverted when disposing of the points raised in a point of order.

**MR. SPEAKER:** What do you want to say?

**SJ. DEBENDRA NATH SEN:** We want a discussion of the report—not today—but on a subsequent day, which may be fixed now, so that we can go through the report in the meantime.

**MR. SPEAKER:** You may present a motion to me.

**Shaikh MOHAMAD RAFIQUE:** I do not think any written motion is necessary, Sir, inasmuch as the report has been laid before the House without any motion. With your permission I orally move that this report be discussed.

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** It cannot be today as the members would like to have some time within which to prepare themselves to be ready for discussion of this report. Now a date must be fixed for the discussion of the report.

**MR. SPEAKER:** There has been an oral motion by Shaikh Mohamad Rafique that this report be discussed. Under rule 37 I have got the discretion to admit a motion without the ordinary notice period. I do not think that there is any objection to this oral motion. (SEVERAL MEMBERS: No, no.)

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** As I told you already we must now decide upon a day on which this report can be discussed.

**MR. SPEAKER:** That is quite true. Now it is a question of accepting the motion which has been presented by Shaikh Mohamad Rafique in the form in which it has been presented. Certainly we shall have to appoint a time. Now I take it that there is no objection by the House to the acceptance of the motion in the way in which it has been put before us. (SEVERAL MEMBERS: No, no.)

The motion of Shaikh Mohamad Rafique that the report of the Public Service Commission, West Bengal, be taken up for discussion was agreed to.

**Mr. SPEAKER:** Now that is all right. As regards a day for its discussion, may I know what time will suit Government when this report can be discussed? Can it be tomorrow?

**The Hon'ble Dr. BIDWAN CHANDRA ROY:** From before the presentation of this report of the Public Service Commission today, there are two businesses before the House. One is the Bill for Rehabilitation and Eviction of Persons in Unauthorised Occupation of Land, and the other is the University Bill. As far as I can suggest, it would be better perhaps—my friend Dr. Suresh Chandra Banerji agrees with me here—to get the report of the Select Committee on the University Bill placed before the House tomorrow. I take it members would require certain time for giving amendments to the findings of the Select Committee. Therefore my suggestion would be that this Rehabilitation and Eviction Bill may be taken up day after tomorrow, and the University Bill may be taken up after Monday or Tuesday next. In the meantime any day, say on Thursday, this motion can be taken up.

**Mr. SPEAKER:** Let us have Thursday for discussion of this motion.

#### **Adjournment.**

The House was then adjourned at 4-52 p.m. till 4-30 p.m. on Tuesday, the 3rd April, 1951, at the Assembly House, Calcutta.

**Proceedings of the West Bengal Legislative Assembly assembled  
under the provisions of the Constitution of India**

THE ASSEMBLY met in the Assembly House, Calcutta, on Tuesday, the 3rd April, 1951, at 4-30 p.m.

**Present:**

Mr. Speaker (the Hon'ble ISWAR DAS JALAN) in the Chair, 10 Hon'ble Ministers and 58 members.

**STARRED QUESTIONS**

**(to which oral answer was given)**

**Annual Report of the Public Service Commission ending 31st March, 1951.**

**\*80 (SHORT NOTICE). S. J. JYOTI BASU:** Will the Hon'ble Minister in charge of the Finance Department be pleased to state—

- (i) whether the report of the old Public Service Commission of which S. B. K. Basu was the Chairman, was withdrawn after it was presented to the Governor;
- (ii) if so, the reason thereof;
- (iii) the date when the present Commission was constituted;
- (iv) whether on 10th February, 1951, the present Public Service Commission presented a fresh report to the Finance Secretary, for the period ending 31st March, 1950;
- (v) if so, the reason why the present report was presented to the Government by the present Commission instead of by the outgoing Commission?

**The Hon'ble Dr. BIDHAN CHANDRA ROY (on behalf of the Hon'ble Nalini Ranjan Sarker):** By courtesy of the Public Service Commission I am able to supply the information asked for by the honourable member.

(i), (ii), (iv), (v) The facts will appear from letter No. 610P.S.C., dated the 10th February, 1951, from the Secretary, Public Service Commission, West Bengal, to Government, which is being laid before this Assembly along with the Annual Report of the Commission for the year ended 31st March, 1950. The Public Service Commission, after forwarding a report, found that the report was drafted on lines in vogue before the Constitution of India came into force and included matters which were outside its scope as laid down in the Constitution. Hence the report had to be revised in order to bring it in conformity with the provisions of the Constitution. That there was change of the personnel of the Commission in the meantime did not affect the question at all as the Public Service Commission is a continuing body irrespective of its personnel.

(iii) The honourable member presumably wants information about the date of appointment of the present members of the Commission. The present members were appointed on different dates, namely, one member on 1st September, 1950, and the Chairman and the other member on 3rd November, 1950.

**S. J. JYOTI BASU:** With respect to the answer given in reply to questions (i), (ii), (iv) and (v), will the Hon'ble Minister be pleased to state whether the report was forwarded to the Governor?

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** Sir, this is all the information which the Public Service Commission has given me. I am afraid I cannot give you any further answer.

**Sj. JYOTI BASU:** Does that mean—before I go into the supplementary question—that we need not seek any more information because no answer will be given?

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** This is a question which has reference to the report of the Public Service Commission and the reasons, etc., and this is the answer which they have given me.

**Sj. JYOTI BASU:** It is on this answer that I am asking supplementaries, but if the Hon'ble Minister says that he is going to add nothing to what has been given here, then it is useless to put questions.

**Mr. SPEAKER:** You can put your question.

**Sj. JYOTI BASU:** Here it is stated that the Public Service Commission has forwarded a report. My supplementary question is whether this report was forwarded to the Governor.

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** I want notice—I will find out from the Public Service Commission.

**Sj. JYOTI BASU:** Will the Hon'ble Chief Minister be pleased to state whether his attention has been drawn to article 323(2) of the Constitution wherein it is provided that after the report is presented to the Governor, it shall be the duty—mark the word “shall”—of the Governor to place it before the Assembly?

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** He has not quoted the Constitution correctly—“on receipt of such report, cause a copy thereof together”, etc., to be placed.

**Sj. JYOTI BASU:** May I read out?

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** I have read it out.

**Sj. JYOTI BASU:** After the report is presented to the Governor, the Governor shall ask the Hon'ble Chief Minister to note the word “shall”—on receipt of such report, cause a copy thereof to be placed. I am drawing his attention to the word “shall” and therefore my question is, in view of the fact that it is very specifically stated that after the Governor receives a report, he shall place it before the Assembly, whether the Government had the right to recall that report.

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** Sir, the words are not “shall put before the House” but “shall cause a copy thereof together with a memorandum”. The only report that is before the Government to be placed before the House is the report which was circulated yesterday.

**Sj. JYOTI BASU:** With regard to the answer given just now, will the Hon'ble Minister be pleased to state whether it is a fact that 500 copies of the old report—the original report—were printed at the Government Press?

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** I do not know.

**Sj. JYOTI BASU:** Will the Hon'ble Minister consider the desirability of furnishing the members of the Assembly with the unrevised report which was presented to the Governor?

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** My friend has assumed the point that it is submitted to the Governor. I have no such knowledge—he may have. Nor do I know whether 500 copies were printed and sent to the Governor—I have no knowledge.

**Sj. JYOTI BASU:** Will the Hon'ble Minister be pleased to state whether that original report was presented to the different departments of the Government?

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** I have already said that the only report that came before the Government is the report that was placed before the House.

**Sj. DEBENDRA NATH SEN:** In view of the fact that the first report was presented on the 14th August as also in view of the fact that this House sat in September, 1950, will the Hon'ble Minister be pleased to state as to why that report was not presented in that session?

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** This is the fourth time I repeat the same answer, namely, the Government has cognisance of only one report which is before the Assembly.

**Sj. DEBENDRA NATH SEN:** With reference to the reply given to (i), (ii), (iv) and (v) where it is stated that the report was drafted on lines in vogue before the Constitution of India came into force and included matters which were outside its scope, will the Hon'ble Minister be pleased to quote the clauses which justify the Hon'ble Minister to make the statement? I ask this question because I have compared both the Constitutions and I do not find any change which might justify this remark coming from the Hon'ble Chief Minister.

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** As I have said before, the reply is not my reply but as given by the Public Service Commission. I have nothing more to add.

**Sj. JYOTI BASU:** On a point of privilege, Mr. Speaker. The Hon'ble Chief Minister stated just now that this reply is not "mine"; somebody else has furnished this reply. As far as we are concerned we do not know who has furnished this reply. We are asking the supplementary question to the Chief Minister; so he must know all the facts with regard to the reply given.

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** Rule 26 says that a question may be put only which is primarily the concern of the Government of the State.

**Mr. SPEAKER:** With reference to the point raised by Mr. Basu, it is stated in this answer that by courtesy of the Public Service Commission they are supplying the information. Now, so far as answers are concerned, while answering a question the Hon'ble Minister will choose the way in which he will answer it. Now, we are having a discussion on Thursday on this entire question and I think there will be elucidation while the discussion is going on.

**Sj. ANNADA PROSAD CHOUDHURY :** মাননীয় প্রধান বঙ্গী মহাশয় বললেন এই যে রিপোর্ট আবারের কাছে place করা হয়েছে, এছাড়া তিনি আর অন্য কোন রিপোর্ট সম্বন্ধে অবগত নন কিন্তু এই পারদিক সার্ভিস কমিশন জীবের চিত্তে বসায় "previous report may be treated as

withdrawn" ব'লে তাঁরা লিখেছেন গভর্নমেন্টের সেক্রেটারীর কাছে। যদি "Finance Department-এর সেক্রেটারীর কাছে এই রিপোর্ট না গিয়ে থাকে যাতে বলা হয়েছে—previous report may be treated as withdrawn." তাহ'লে সেই রিপোর্টটা কার কাছে গিয়েছিল, সে বিষয় কি গভর্নমেন্ট অবগত নন?

(No reply.)

**Mr. SPEAKER :** This is the information which they have received from the Public Service Commission.

**Sj. ANNADA PROSAD CHOUDHURY :** No, sir, it is not so.

আমি একটা প্রশ্ন জিজ্ঞাসা করছিলাম এর মধ্যে বলা হয়েছে যে গভর্নমেন্টের কাছে চিঠি লেখা হয়েছে এবং এই চিঠিটা এই গভর্নমেন্টের সেক্রেটারীর কাছে এসেছে; তাতে বলা হচ্ছে "previous report may be treated as withdrawn."

তাহ'লে সেই previous রিপোর্টটা কোথায়, তিনি যদি তা না পেয়ে থাকেন, বা না জানেন? Then what is the report that is going to be withdrawn?

(No reply.)

(A VOICE FROM THE OPPOSITION : উত্তর দিন্, উত্তর দিন্।)

**Mr. SPEAKER :** The position is they won't answer that point. They refer only to the answer which has been received by courtesy of the Public Service Commission.

**Sj. HARIPADA CHATTERJEE :** মুখ্য মন্ত্রী মহাশয়ের এই সমস্ত কথা চেপে যাওয়া উ'ন স্বভাবগত কিনা?

(Loud noise.)

**Sj. J. C. GUPTA :** Will the Hon'ble Minister be pleased to consider the desirability of obtaining the opinion of the Advocate-General on this matter before the day of discussion on Thursday?

**The Hon'ble Dr. BIDHAN CHANDRA ROY :** I do not think it is necessary.

**Sj. DEBENDRA NATH SEN :** Will the Hon'ble Minister be pleased to state whether it is a fact that at the instigation of the Government on the basis of a letter written to the present members of the Public Service Commission the report was changed?

**The Hon'ble NIHARENDU DUTT-MAZUMDAR :** Sir, this cannot be relevant. This is an imputation under the rules.

**The Hon'ble Dr. BIDHAN CHANDRA ROY :** It is a baseless insinuation as usual with Mr. Deben Sen.

**Sj. DEBENDRA NATH SEN :** Sir, what is the answer?

**Mr. SPEAKER :** That is the answer.

**Sj. DEBENDRA NATH SEN :** Will the Hon'ble Minister be pleased to state whether any correspondence has passed between the Government and the present members of the Public Service Commission?

**The Hon'ble Dr. BIDHAN CHANDRA ROY :** I do not know.

**Mr. SPEAKER :** Mr. Sen, I do not think there is any use putting further supplementary questions in view of the fact that there will be a full-dress discussion on Thursday.

**8J. HARIPADA CHATTERJEE:** মুখ্য বহীষহাপনের এই সমস্ত চেপে যাওয়া ঠিক স্বভাবসিদ্ধ কি না?

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** Sir, I ask him to withdraw that.

**8J. HARIPADA CHATTERJEE:** Sir, it is his habit to suppress things (uproar).

**Mr. SPEAKER:** Order, order.

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** Sir, if in spite of so many years' experience, a member chooses to remain ignorant of the rules, that cannot be helped.

**8J. HARIPADA CHATTERJEE:** আপনি ignorant হয়ে আছেন, rules সম্বন্ধে and you are ignorant being a Judicial Minister.

**Mr. SPEAKER:** Order, order. Please take your seat.

**8J. HARIPADA CHATTERJEE:** It is his habit to suppress things. তিনি ইচ্ছাকরে সমস্ত চেপে যান। (Uproar.)

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** You are •  
(Renewed uproar.)

**Mr. SPEAKER:** Order, order.

**8J. JYOTI BASU:** On a point of privilege, Sir May I know what is going on?

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** I do not know.

**8J. JYOTI BASU:** Sir, I do not know what is going on.

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** You may not know! You may be innocent!

**Mr. SPEAKER:** Order, order There ought to be order in this House.

#### **Presentation of the Report of the Select Committee on the Calcutta University Bill, 1951.**

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** Sir, I beg to present the Report of the Select Committee on the Calcutta University Bill, 1951.

Sir, I am glad to state that the report has been unanimous almost on all points excepting one or two, and the reasons for or against those two points have been given in the main report as well as in the note of dissent. Sir, we had an opportunity to hear the representatives of the Calcutta University as well as the representatives of the West Bengal University and College Teachers' Association. After hearing them, Sir, it has been possible for us to embody in this report many of the suggestions that were made by those two bodies, particularly the University representatives. Sir, I believe the House will be pleased to see that the report has been unanimous almost on all points and there will be no further difficulty in getting the Bill through the House. It is almost an agreed Bill.

**Mr. SPEAKER:** This finishes the business of the House today. There will be no sitting of the House tomorrow.

**SJ. JYOTI BASU:** On a point of privilege, Sir. Tomorrow the Eviction Bill is supposed to come before the House—

**Mr. SPEAKER:** Order, please. So far as today's business of the House is concerned, we have finished it. Tomorrow there will be no business of the House. The day after tomorrow we are sitting at 2-30 p.m. and the Eviction Bill will come up for discussion along with the discussion of the Public Service Commission Report. So far as the University Bill is concerned, it will be taken up on the 10th and necessary circulars will be issued for sending amendments in the meantime.

**SJ. JYOTI BASU:** Sir, I was raising the point that the Eviction Bill we believe—we do not know but we believe—will come in a certain amended form before us. If it comes at the very eleventh hour, because as yet we do not know what the amendments are that the Government will accept, then there will be no time to consider the amendments. Therefore, I submit that sufficient time should be given to us—at least one day earlier—so that we may consider the amendments which will be accepted by the Government.

**Mr. SPEAKER:** So far as the amendments to the Eviction Bill are concerned, the moment we receive them, we shall circulate them. Now I do not know as to when those amendments are coming to me. We shall consider them as soon as they are before us and whatever representations have to be made, may be made at the time when the amendments are before us.

**SJ. KANAI LAL DE:** I submit, Sir, that 2-30 p.m. will be too early.

**Janab. Syed BADRUDDUJA;** Sir, you are receiving amendments till 2 o'clock on Thursday, because the whole character of the Bill is changed?

**Mr. SPEAKER:** With regard to the Eviction Bill as yet our office has not been informed as to what the amendments are. After the Government gives the amendments, if at all, then we shall be in a position to know as to what the position is. In any way, I believe the members will have an opportunity of considering those amendments.

### Adjournment.

The House was then adjourned at 4-48 p.m. till 2-30 p.m. on Thursday, the 5th April, 1951, at the Assembly House, Calcutta.



**Proceedings of the West Bengal Legislative Assembly assembled  
under the provisions of the Constitution of India**

THE ASSEMBLY met in the Assembly House, Calcutta, on Thursday, the 5th April, 1951, at 2-30 p.m.

**Present:**

Mr. Speaker (the Hon'ble ISWAR DAS JALAN) in the Chair, 11 Hon'ble Ministers and 63 members.

**Adjournment Motion.**

**Mr. CHARU CHANDRA BHANDARI:** মাননীয় স্পীকার মহাশয়, আমি একটা adjournment motion-এর notice দিয়েছিলাম—

**Mr. SPEAKER:** I have considered it but I regret to say that I have not been able to give my consent to it. I have considered the incident mentioned in the adjournment motion and also the business that is down on the day's agenda and after having fully considered them I do not think it proper for me to adjourn the legislative business before the House which is very important and which is pending since a long time. So far as the matter mentioned in the adjournment motion is concerned, I have received a short-notice question and to this question answers will be given by Government as soon as possible. When such answers are given, the House will have the opportunity of putting supplementary questions. In view of the single incident mentioned in the adjournment motion and in view of the more important legislative business which is to be disposed of by the House and which is pending for a long time, I thought that the normal business of the House should not be interrupted by the adjournment motion and these are the considerations for which I could not give my consent to the adjournment motion.

**SJ. CHARU CHANDRA BHANDARI :** মাননীয় স্পীকার মহাশয়, Eviction of Unauthorised Persons এই object যে Bill-এ আছে, সেই বিল আজ কয়েকদিন পূর্ব পর পিছিয়ে আসছে। আরও এক দিন পিছিয়ে দেওয়া যেতে পারে। Public Service Commission-এর report discussion-টাও কয়েকদিন পিছিয়ে এসেছে। এই matter, কোন isolated matter বলে less important নয়। It relates to the important policy of administration of the control systems. অতএব এই জিনিষটা এইভাবে supplementary question করে, ঠিক clear হয় না তাই অনুগ্রহ করে পুনরায় বিবেচনা করবেন কি? এটা একটা important জিনিষ মনে হচ্ছে যে grounds-এখানে উল্লেখ করলেন "This is less important than the business on the agenda". কিন্তু আমার মনে হয় this is more important than the business on the agenda.

এ জিনিষটা পেছান যায় না কিন্তু এই বিলের consideration-এর Public Service Commission-এর report-এর consideration আরও একদিন পিছিয়ে দেওয়া যেতে পারে।

**Mr. SPEAKER:** I again regret very much that I could not give my consent to the adjournment motion. I had considered all the aspects of the case and considering all the aspects of the case, I came to the conclusion that we should not adjourn the normal business of the House. Also a short-notice question has been given on the subject, and let the answers be given by Government, and arising out of the answers, you can put your supplementary questions, and get a fuller reply.

**SJ. SIBNATH BANERJEE:** May I know, Sir, whether the short-notice question that I have put will be replied to today?

**Mr. SPEAKER:** Not today I understand.

**SJ. SIBNATH BANERJEE:** May I know, Sir, whether the Hon'ble Minister concerned has consented to reply to the short-notice question?

**Mr. SPEAKER:** Your short-notice question has been received by my department and it has been sent to the respective department of the Government. I do hope that the Hon'ble Minister concerned will not insist on the usual notice period and will reply to the question as soon as possible.

**SJ. SIBNATH BANERJEE:** Often it is our experience, Sir, that consent to short-notice questions is withheld by the Hon'ble Minister concerned as the notice period is short in the case of short-notice questions. Therefore, Sir, I grew apprehensive of the fate of this short-notice question and put it to you, Sir, whether the Hon'ble Minister concerned has given his consent. If, as was often the case, Sir, consent is refused in this case, we shall get no opportunity of discussing the subject as we shall get no answers to the question and thus cannot put supplementary questions. This is a very important matter, Sir, where an old woman died and the allegation is that she was kicked by some officer. That being so, Sir, unless we get a definite answer from Government that the question would be replied to shortly, my apprehension that consent might be withheld by the Minister concerned will not disappear. If an assurance is given that the question would be replied to quickly that would be something—although we have not got the opportunity of discussing it in the form of an adjournment motion today—and we would then have the opportunity of putting at least sufficient supplementary questions to know the true facts of the case. As it is, Sir, we do not know whether consent would be given by the Minister concerned and whether he is in receipt of the question. Therefore, on the ground that the short-notice question has been tabled, we should not be deprived of the opportunity of discussing such an important matter.

**Mr. SPEAKER:** That is not the only ground; there are other grounds also as to why I could not admit the motion. The adjournment motion relates to the death of a single person, a woman, and to know all the facts leading to the death of this woman a short-notice question has already been given and as soon as I receive the answers from the Government—and I do hope they would be forthcoming quickly as the matter is a very important one—they will be placed before the House and then the member who put the question and the other members can put supplementary questions to know the position.

**SJ. DEBENDRA NATH SEN:** The Hon'ble Minister concerned is here and he can say whether he has given his consent to reply to the question at short-notice.

**SJ. SIBNATH BANERJEE:** In the past it has been our experience that when an adjournment motion and a short-notice question were put on the same subject, the Government of the time preferred to answer the short-notice question and they used to give an assurance that they would give a reply "today or tomorrow" and then only the adjournment motion was ruled out. If no such assurance is given in this case, I think we lose the opportunity of discussing it altogether, and I doubt whether my short-notice question would be answered in this session in the absence of any such assurance from the Hon'ble Minister concerned.

**The Hon'ble Dr. BĪDHAN CHANDRA ROY:** I take it that the gentleman who has asked the question would first of all let the Government know what the question is. I have not seen the question and there should be a certain amount of time given for us to know what the situation is and to give an answer to the question. I understand, Sir, yesterday the arrangement was that we meet next on Tuesday. If the short-notice question arrived in time, by that time I take it we shall get all the information and I shall be able to answer the question on Tuesday.

**SJ. SIBNATH BANERJEE:** It makes the position worse. Yesterday in the morning the short-notice question was given and I had expected that the reply would be given today but the Hon'ble Minister rises and says he has not seen it at all. I do not know when he will see and whether he will see it after one year. It is a short-notice question and the reply should not be delayed.

**Mr. SPEAKER:** The position is this. Here is the statement by the Hon'ble the Chief Minister that he would collect all the information relating to the short-notice question and that he hoped to reply to the same on Tuesday. It is not one year or two years. We have now before us a very important business and I think we shall have to proceed with the business of the House. The assurance has been given by the Hon'ble the Chief Minister that he would reply to the short-notice question on Tuesday and so no question of withholding consent to reply to the question arises.

**SJ. SIBNATH BANERJEE:** Another point, Sir. The Hon'ble the Chief Minister said that he has not yet got the question and so has not yet seen it. I do not know, Sir, why he has not yet received my question.

**Mr. SPEAKER:** It all requires a certain amount of time for a thing to pass from one place to another. Your Notice of Question comes to me and it is sent to the department concerned in this case it was sent yesterday—and that department proceeds to collect all the information and after collection send them on to us. The replies when received by us are printed along with the questions to which they relate and then circulated to the members. If the questions are starred questions the replies are also read on the floor of the House by the Hon'ble Ministers concerned. You have raised your point on the floor of the House and the Hon'ble the Chief Minister is in seisin of the thing and he will, I believe, do what is to be done.

**SJ. SIBNATH BANERJEE:** But 28 hours have passed and it has not reached the hands of the Hon'ble the Chief Minister.

**Mr. SPEAKER:** I have said all that I have to say and the matter is now closed.

#### Point of Privilege.

**SJ. JYOTI BASU:** On a point of privilege, Sir. I wish to raise a point of privilege with regard to the business of the House today and that is, the Eviction Bill is before us today but I find from the short-notice amendments which were received at 11 p.m. last night by us the Bill has undergone some fundamental changes and I do not see how we can at all go through the amendments and how we can insert new amendments in this new Bill that is now before us unless more time is given to us to consider the whole position. I take it that the Bill is almost a new Bill. The name has been changed and the clauses altered. Therefore I suggest that the Bill should not be taken up today but we should be given at least one or two days' time by which time we may go through

the Government amendments and suggest our own amendments. So unless more time is given, it is impossible for us to go ahead with the discussion of the Bill because you will see the difficulty that as the Bill has been fundamentally altered, clause by clause, and it is practically a new Bill that is before us now, although we could have been given notice of short-notice amendments, we shall not get any opportunity to suggest such amendments that we could have done otherwise. I would like to have your ruling on the point as to what is the means by which we can suggest amendments and the time by which they should be given. My suggestion is that it should be deferred for a day or two and taken up on Monday or Tuesday next.

**Janab MD. KHUDA BUKHSH:** May I add one word more. The short-notice amendments that have been circulated to us have not yet been admitted by you and that makes the position even more difficult. If we do not know which of the amendments will be in order and which will not be accepted by you, unless that is known to us, we do not know exactly which of the amendments are actually to be taken up, how can we send any short-notice amendments because in the light of your admitting these short-notice amendments, we shall have to send in our amendments.

**Janab Syed BADRUDDUJA:** Sir, we received these amendments late last night at 11 p.m. and after that it was not possible for us to consider the amendments. Most of the amendments are of such a character that they have changed the entire complexion of the Bill. It was not possible for us to give any thought to the amendments. I would therefore request you to postpone consideration of the Bill till we are in a position to give serious thought to the question.

**Mr. SPEAKER:** So far as my office is concerned we received the amendments yesterday evening at 7 and we took particular care to send out the amendments as early as possible.

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** Sir, I think you mentioned yesterday that up till 2 p.m. today, amendments to the Bill would be accepted and therefore if the amendments of the Government have been placed before the members last evening—and I may say here that the Opposition members got the amendments first and the Government members did not get them till late this morning—I do not think there is any purpose in suggesting to postpone the Bill further because as we will be discussing the Bill, we would in the course of our discussion know the various amendments that would be necessary. So I do not see any reason why we should postpone it.

**Janab MD. KHUDA BUKHSH:** Sir, the Hon'ble the Chief Minister has suggested to the House that it was according to your desire and your wishes that these amendments should be accepted till a certain hour if they were sent by that time and he also said that the Government members received the amendments much later than the members of the Opposition. For your information I may tell you that mine was handed over to me at 11 p.m. last night and I could not see them till this morning. Sir, if the amendments were of a technical nature and amended a word or two we may not have objected so much. But these amendments make fundamental changes in the character of the Bill. So we have to consider each one of the amendments so that we can study what is at the back of the Government's mind.

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** Sir, my friend is not quite correct in saying that these amendments have fundamentally changed

the Bill. If he will read the amendments of Dr. Ghosh and Dr. Banerji he will find that what we have proposed is only an attempt to try and incorporate as many of their amendments that have already been before the House and circulated to the members as possible.

**Shaikh MOHAMAD RAFIQUE:** Sir, I find that the Chief Minister seems to think that only the Government and the Opposition members are concerned with this Bill. It is not so. Even if the Opposition did agree to certain amendments we do not agree to them. On the last occasion you gave us an assurance that as soon as amendments are received,—and especially when they were received late last night,—we shall be given more time to consider those amendments and to send in our amendments as it appears that the entire character of the Bill has been changed by them. This is a very important Bill. I would therefore request you to ask the Government to take some more time to reconsider their amendments because it is quite possible for them to move further short-notice amendments because there may be *lacuna*. Sir, a day or two will not matter much. After all, you want to evict those people and it won't harm them if they remain a day or two longer.

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** Sir, I emphatically repudiate the idea that any fundamental change is proposed to be introduced by any of the amendments proposed from the Government side. The amendments submitted by the Government side have been made to meet the wishes of the members on this side as well as those who have tabled amendments before in connection with this Bill. Government have tried to meet them as far as possible and all the ideas that are now in the Government amendments are more or less suggested by our members or to be found in the amendments that had been suggested before by the Opposition.

**Mr. SPEAKER:** The position is that there is no doubt that the amendments were received yesterday and there ought to be some more time for consideration thereof but we have to consider this fact also that this Bill has been on the legislative order paper for several days and as a matter of fact on some days, we could not sit because negotiations were going on for having an agreed settlement. And certain agreements, I understand, were arrived at (Janab Syed BADRUDDIN: Who has agreed?) That may not be with some sections of the House but an agreement was arrived at with regard to some of the amendments and there are already some amendments before us as a result of that agreement. Pursuant to the previous amendments and the agreement arrived at certain arrangements and alterations have been made in the Bill incorporating those amendments. We have also received amendments from the Opposition even after 1 or 2 p.m. today and they are being circulated immediately. In view of the fact that this Bill has been before the House a long time past and in consideration of the fact that this Bill has been postponed from day to day and it has not been possible to hold the session of the House from day to day but have had to postpone the meetings, I think it is the view of the House not to postpone it any further but to finish it as early as possible. I can assure the members, however, that whatever amendments may be made even on the floor of the House, I will consider them. The Bill has been before the House and before the public for some time past and I do appeal to you that this Bill should be taken into consideration and a decision should be arrived at. It should not be postponed further because the provisions have been before the members for a long time past and

sufficient agitation has been going on and there have been lots of negotiations going on. I do not question that the Opposition should get more time and as much time as is considered possible, but in view of these considerations and in view of no unanimity on this point by the House itself, I do not think that I shall be justified in postponing it on my own initiative. The position is that we should go on with this Bill and if any amendment is just moved on the floor of this House, I will admit it—whatever short-notice amendment is suggested.

**Janab MD. KHUDA BUKHSH:** Mr. Speaker, Sir, you have been pleased to refer to negotiations going on between certain sections of this House and the Government. Sir, I have to tell the House that in this matter, I as a Muslim of West Bengal am vitally interested. Sir, neither the Government nor the other party to these negotiations invited anyone of us or anyone outside the Legislature among the Muslims to these negotiations and, Sir, therefore, I as a representative of the Muslims have to make my submission to you that we do not know exactly what these negotiations were, what was the basis of these negotiations and what was accepted and what was not accepted. Therefore, Sir, I pointed out to you that I want from you and this House more time to go into this Bill because it vitally affects me as a Muslim of West Bengal. Sir, my land has been encroached upon and built upon and we are agitating both inside the House and outside the House so that Government may assume powers to release those lands and restore those lands to us. We thought that this Bill would be an instrument in the hands of the Government to achieve that purpose and the original shape of that Bill certainly held out hopes to us that it would be an instrument to achieve that end. Now, Sir, I find that the amendments that have been tabled—the short-notice amendments that have been tabled on behalf of the Government alter the very character and complexion of that Bill. Therefore, Sir, I for one as a representative of the Muslims of West Bengal shall crave your indulgence in this matter and shall ask you to give us more time to go into the details of the Bill.

**Janab MUDASSIR HOSSAIN:** Mr. Speaker, Sir,—

**Mr. SPEAKER:** Are you going to speak on the question of time?

**Janab MUDASSIR HOSSAIN:** No, Sir, something about this Bill.

**Mr. SPEAKER:** We are now considering the question of time.

**Sj. JYOTI BASU:** Sir, you have just now mentioned about certain negotiations, but I should like to inform you clearly about this, because you may not be quite aware of what happened. When negotiations were going on between certain members of the Opposition and the Government it was made quite clear that Government would place before us certain amendments which, they said, would, in spirit, incorporate our ideas with regard to this Bill. But only yesterday at about 9 o'clock the amended clauses came to us. Therefore, Sir, it is impossible for us at this stage suddenly to propose short-notice amendments because, as I said, Sir, if you look through the four-page amendments which have been suggested, you will find that clause after clause has been changed—it may be certain words have been changed, certain expressions have been changed—and we would like to give our amendments to those words and expressions, but it is impossible to suggest those amendments now. So, my submission to you is that it would do no harm, after Dr. Roy comes back from Delhi—I think that is the only impediment before us

that the Hon'ble Chief Minister is going to Delhi—as soon as he comes back, we can have a discussion over this Bill. In the meantime, we shall have our amendments placed before the House.

**Shaiikh MOHAMAD RAFIQUE:** Sir, so far as this Bill is concerned, the Government need not worry about this Bill because it is in absolute majority. They can pass it into an Act whenever they like. Sir, when the negotiations between the Congress and the rebel Congress groups started, we were under the impression that the Government would not make such amendments as would deprive those Muslims who have left this State for the other State to claim back their houses. On that expectation, we were hoping that some very tangible improvements would be made in the Bill. Last night when we got these amendments at 11 o'clock, all our hopes were shattered. There was no time to send in amendments or to consult our own people. If we had known that Government was not going to move any amendments which would help us, surely we would have sent in amendments, but now there is hardly any time. It is pity that when ex-members of the Congress Party, who now form the Opposition, met the Leader of the House to arrive at a settlement, no Muslim member of the House was consulted. All settlements were arrived at our expense and we have no chance of voting it down. Government, whenever it comes before the House with any Bill, is sure to carry it, so, one or two days' delays would not matter much, and in the meantime the view-point of the Muslims can be considered. I would, therefore, request you to press the Government to give us ample time. Sir, this House has been accused of hurrying legislative measure. All the Bills that we have passed from time to time have been found to be defective and amendments have been found necessary in many cases. Such amendments have been brought before this House from time to time. So, Sir, I would request you to postpone this Bill for such time as you think necessary to give opportunity to members to come forward with amendments. It is quite possible that those amendments may be of such nature as might induce the Government to accept them and also improve and better the feelings of the people as they exist today.

**MR. SPEAKER:** I am entirely at the hands of the House. If the House agrees, I have no objection to postponement of the Bill. If the House does not agree, then it will be difficult on my own initiative, in the circumstances of the case, to postpone the Bill. First of all, we shall have the consideration clause. I think, let us go on with the consideration clause. Let us see in the meantime as to what can be done—to postpone or not the clauses of the Bill. Therefore, what I say is this—let the consideration motion start. Let the Government make their position clear, let the other members also make their position clear and if by that time, something emerges, then we shall consider the position once again, but let the consideration clause start and let the Bill start now.

**Janab MD. KHUDA BUKHSH:** Mr. Speaker, you have been pleased to observe that you are completely in the hands of the House. Sir, I make my submission to you that you are the custodian of the rights of the minorities in this House. If you leave the matter in the hands of the House, then you will be leaving the matter in the hands of the Government. They have made their intention clear that they want to proceed with the Bill. On the other hand, we have voiced the feelings of the minorities here. Sir, you, who want to protect our rights and privileges.

should also give us a little indulgence. When you say that you are at the hands of the House, we are afraid, our position becomes all the more hopeless. Sir, we look up to you to give us protection.

**Mr. SPEAKER:** I am in a very unfortunate position. The position as I find is this that on account of this Bill there has been no session of this House on some days and we had one session only for half an hour or quarter of an hour. Now, the provisions of the Bill—the principles of the Bill—are already before the House. Now, I believe, we can proceed with the Bill, at least so far as consideration stage is concerned and if after the consideration stage is over, we find that, as a matter of fact, more time is necessary with regard to the different clauses, let us consider the matter once more at that time. But why should you absolutely prevent consideration of the Bill—a Bill which has been agitated over for such a long time and a Bill on account of which the business of the House has not been held for several days in the past? Therefore, let a beginning be made. Of course, so far as the Government is concerned, if they say that they are willing to postpone it, my task would be made easier.

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** On a point of order, Sir. After your ruling given after due consideration, that you see no reason for postponement of the Bill today, I do not think all these questions should arise. The Bill has been on the order-paper and I find from the order paper that there are seven printed pages full of amendments tabled by honourable members of the Opposition of different sections of the House. Now, all that has happened is that the Hon'ble Chief Minister agreed that Government would be accommodating as far as possible and would be prepared to consider further amendments, if they came. It was open to honourable members to come forward with amendments. Government, having considered the amendments, have tried to incorporate them as far as possible and in that context the amendments moved by the Government side have come up today at short-notice and, Sir, you have already made this position amply clear. I, therefore, submit as a point of order that the only course left open to us is to proceed with the consideration of the Bill and if any member has not exercised his opportunity of coming forward with fresh amendments like my friend Mr. Rafique or my friend Mr. Khuda Bukhsh, certainly the House cannot be held responsible for members not coming forward with any positive amendments.

**Janab Syed BADRUDDUJA:** That is no point of order, Sir. That only creates disorder.

**Shaikh MOHAMAD RAFIQUE:** On a point or order, Sir. You allowed him to rise on a point of order.

**Mr. SPEAKER:** Order, order. I think we have enough discussion on this subject. There is practically no point of order. It is a question of accommodation. It has got nothing to do with the point of order. The position is this: let us proceed with the consideration of the Bill and see as to how matters stand.

Yes, Rai Harendra Nath Chaudhuri, the Eviction of Persons in Unauthorised Occupation of Land Bill, 1951.



## GOVERNMENT BILL.

**The Eviction of Persons in Unauthorised Occupation of Land Bill, 1951.**

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** Sir, I beg to introduce the Eviction of Persons—

**Dr. SURESH CHANDRA BANERJEE:** On a point of order, Sir. The short-notice amendments which have been tabled have not as yet been circulated. So how this Bill can be brought in just now?

**Mr. SPEAKER:** They will be circulated immediately. This is only consideration motion.

**SJ. SIBNATH BANERJEE:** Sir, in the order paper the first item is the discussion on the Annual Report of the Public Service Commission, and the second item is the Eviction of Persons in Unauthorised Occupation of Land Bill, 1951. Therefore, unless the House agrees to something being done, the order paper should be followed. On a previous occasion I had appealed to you and to the Leader of the House on a non-official day to take some subject before the other, but that was not allowed. And today this is the order paper and let the Public Service Commission Report be taken up first. In the meantime we shall have the amendments ready and circulated, and then we can discuss this Bill.

**Mr. SPEAKER:** As a matter of fact on the last occasion when the House was adjourned I did mention that first we would take up the Eviction of Persons in Unauthorised Occupation of Land Bill and thereafter the Public Service Commission Report will be taken up. And as a matter of fact in the List of Business which has been circulated the first item is the Eviction of Persons in Unauthorised Occupation of Land Bill and the second item is the Annual Report of the Public Service Commission and Explanatory Memorandum.

**SJ. SIBNATH BANERJEE:** On a point of order, Sir. What you have said is correct. But everybody has a right to change things and it appears to us that you have changed the agenda. The order paper which has been circulated to us makes it clear that both yourself and the Leader of the House and the Assembly Department reconsidered it.

**Mr. SPEAKER:** Mr. Banerjee, so far as I am concerned I did mention in the House on the last occasion that first of all the Eviction of Persons in Unauthorised Occupation of Land Bill, 1951, be taken up and thereafter the Public Service Commission Report will be taken up. And according to this List of Business it is there and naturally I will follow it.

**Mr. JASIMUDDIN AHMED:** Sir, who is responsible for this revised order paper? Is it not misleading?

**Mr. SPEAKER:** I understand that Government informed us that the business from the 3rd will be taken up and that was done like that. As a matter of fact, I did mention on the last occasion in the House that the Eviction of Persons in Unauthorised Occupation of Land Bill will be taken up first.

**SJ. SIBNATH BANERJEE:** We quite remember that you did mention that. But in view of the fact that you have changed the arrangements, I submit from the practical point of view that the short-notice amendments which we have tabled may be circulated first.

**Mr. SPEAKER:** All right. I adjourn the House for half an hour. In the meantime all the amendments will be circulated and we shall then take up the consideration motion.

(At this stage the House was adjourned for half an hour.)

(After adjournment.)

**Mr. SPEAKER:** All the amendments received up to 2-30 p.m. have been circulated. There have been some amendments received even after 2-30 p.m. and they will be circulated in course of time.

**Sj. JYOTI BASU:** On a point of order, Sir. After receiving the amendments we are still more confused. It is impossible to understand what the amendments mean. Again, Sir, I would request through you the Government and you, Sir, particularly that it is within your privilege and it is within your right to ask the Government to postpone the consideration of this Bill.

**Mr. SPEAKER:** I do not know what the Government has got to say, but I have already stated that we should proceed with this Bill.

**The Hon'ble BHUPATI MAJUMDAR:** It is delaying tactics.

**Sj. JYOTI BASU:** No, not delaying tactics.

**Mr. SPEAKER:** Order, please. I have already stated that we shall have to proceed with this Bill. Unless and until there is consent of the entire House, we cannot postpone the Bill. So far as the Government amendments are concerned, we have circulated them to the members. So far as the amendments of the Opposition received up to 2-30 p.m. are concerned, they have all been circulated. In spite of that any member wants to move any amendment on the floor of the House, I will admit it as a short-notice amendment. Now I think we should proceed with the Bill.

**Dr. SURESH CHANDRA BANERJI:** মাননীয় স্পীকার মহোদয়, আমার দু'একটি কথা বলবার আছে। আমার সঙ্গে ডাক্তার বাবের যে সমস্ত কথাবার্তা হয়েছিল তাতে কয়েকটা বিষয়ে আমাদের মধ্যে মিল হয়েছিল আরও অনেক বিষয়ে আমাদের মধ্যে মিল হয়নি। কিন্তু পর্ডনমেন্টের পক্ষ থেকে Chief Whip যে সমস্ত amendments table করেছেন তার মধ্যে দেখতে পাচ্ছি বহু agreement বিশেষ করে section (4) সম্বন্ধে ডাক্তার বাবের আমাদের সঙ্গে সেই agreement হয়েছিল, সেই agreement থেকে পর্ডনমেন্ট অনেকখানি back out করেছেন। আমার মতে Dr. Roy may not agree, কিন্তু এটা আমাদের নত। আমি আগে বলেছি এখনও বলছি refugee problemকে আমরা political issue করতে চাই না।

**Mr. JASIMUDDIN AHMED:** I rise on a point of order, Sir. এই Assemblyর হাউসে কোন particular দলের কাছে যোগাযোগ রাখা, বংশোদ্ভূত বা যা arrangement হয়েছে সেই সমস্ত কি এই আলোচনার মধ্যে আসতে পারে?

**Mr. SPEAKER:** I think our convention has been not to mention all that. The position is: as I stated just now before adjourning the House for half an hour that the amendments received will be circulated within this time, and after half an hour we should take up this Bill.

**The Hon'ble NIHARENDU DUTT-MAJUMDAR:** What is the business of the House, Sir?

**Mr. SPEAKER:** The business of the House is the Eviction of Persons in Unauthorised Occupation of Land Bill, 1951.

Dr. Banerji, so far as explanation of your own position is concerned, you are entitled to say all that you have got to say on the consideration motion.

**Dr. SURESH CHANDRA BANERJI :** On a point of privilege, Sir. আমরা যে একটা settlement করবার কথা বলছি, সুতরাং এই সম্পর্কে কথা বলবার privilege সকলেই আছে। আমার বিশ্वास আরও দু'একদিন time পেলে further আলোচনার কলে আমাদের মধ্যে যে ব্যবধানের সৃষ্টি হয়েছে তা দূর হ'তে পারে। সুতরাং আপনার মারফৎ গভর্নমেন্টের কাছে আমার বিনীত নিবেদন যে এই হাউসে এই বিলের বিবেচনা আরও দু'একদিন স্থগিত রাখুন। এ করা হলে আমার বিশ্वास সকল দিক দিয়েই মজল হবে। আমাদের গভর্নমেন্টের মধ্যে আলাপ-আলোচনার কলে একটা মীমাংসা হতে পারবে এবং কাজগুলি ভালভাবে, সুষ্ঠুভাবে সম্পন্ন হবে। সেইজন্য আমি পুনরায় গভর্নমেন্টকে অনুরোধ করছি এই বিলের বিবেচনা আরও দু'একদিনের জন্য স্থগিত রাখা হোক।

**The Hon'ble Dr. BIDHAN CHANDRA ROY :** Sir, I entirely disagree with my friend Dr. Banerji. We have discussed, we have postponed, we have held consultations in this matter and I think this morning he was satisfied, but as I told you, Sir, this কিন্তু —“But” will always remain and therefore I am very sorry I cannot agree to the proposition of postponing the business of the House any further.

**Janab Syed BADRUDDUJA :** Sir, after what the Hon'ble the Chief Minister has observed, may I submit that he is not correct when he says that there have been negotiations going on with all members of this House?

**The Hon'ble Dr. BIDHAN CHANDRA ROY :** I never said “with all the members of the House”.

**Mr. SPEAKER :** Now, the position is that so far as the Bill is concerned, here is the Bill and here are the amendments and we have got to proceed with the Bill. Now, what is your point?

**Janab Syed BADRUDDUJA :** I wanted to stress this point that there are certain controversial aspects of the Bill which require mature consideration as those matters seriously affect certain persons.

**Mr. SPEAKER :** I understand you. The position is this that there is no doubt that this is an important Bill; this Bill is before the House, there is no doubt about that; it has been postponed from time to time, there is no doubt about that. Day before yesterday I specifically mentioned that this Bill will be taken up today, that is also a fact. I adjourned the House for half an hour today and when I adjourned the House I told you that this Bill would be taken up after adjournment. Now, if you ask me to re-open the question of agreement again and again, it will be very difficult for us to proceed with the Bill. Therefore I would request you not to press that aspect of the case.

**Janab Syed BADRUDDUJA :** I am afraid, Sir, I could not make my point clear. If you give me one minute, Sir, I can make my point clear. What I like to say is that when the Evacuee Property Bill was placed before the House, I raised the question of giving relief to the displaced Muslims of West Bengal and the Hon'ble Chief Minister gave me the definite assurance that this point will be given due consideration at the time when another Bill will come before the House. Now, this is the Bill in question but I find no such relief for the displaced Muslims in it. Now, Sir, on the assurance of the Hon'ble the Chief Minister many Muslims were hoping that there would be some provisions in this Bill to give relief to the displaced Muslims, whereas in this Bill we find that

it is absolutely silent on the point about those Muslims who have been wandering about in a homeless and hapless condition. Therefore I say, Sir, that this Bill requires mature consideration.

**Mr. SPEAKER:** I think you will be entitled to raise all these questions at the time of the consideration motion, as to what has been left out in this Bill, etc. You will get then ample opportunity to discuss the Bill threadbare.

**Sj. DEBENDRA NATH SEN:** Sir, in view of the revelation made by Dr. Suresh Chandra Banerji, I think the matter should be postponed.

**Mr. SPEAKER:** I regret very much that I cannot do so. Before the adjournment of the House today, I definitely told the House that this Bill would be taken up after adjournment and there should be no more postponement as such postponements involve so much costs and therefore we should avoid that.

**Sj. DEBENDRA NATH SEN:** Sir, there is no motive behind this postponement.

**Mr. SPEAKER:** No, I do not charge anybody for this postponement as that is not my concern. My concern is the day's business. If the whole House want to postpone the Bill I have no objection. If the Government wants that the Bill should be proceeded with, I cannot help it.

**Sj. DEBENDRA NATH SEN:** The point is whether we should not postpone the consideration in order to accommodate the other side of the House?

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** No, Sir.

**Mr. SPEAKER:** I quite appreciate your point, Mr. Sen. The position is that we postponed the Bill for several days. Government now thinks that no further postponement is necessary and therefore let us proceed with the Bill. So far as the amendments are concerned, you can speak on those amendments and can also send in any number of amendments that you consider best, but so far as the consideration of the Bill is concerned, let us proceed with the Bill.

**Sj. DEBENDRA NATH SEN:** Sir, are we to understand that the whole consideration of the Bill will be kept in abeyance?

**The Hon'ble Rai HARENDRA NATH CHANDHURI:** Sir, I beg to introduce the Eviction of Persons in Unauthorised Occupation of Land Bill, 1951.

(The Secretary then read the short title of the Bill.)

Sir, I beg to move that the Eviction of Persons in Unauthorised Occupation of Land Bill, 1951, be taken into consideration.

Sir, I begin with the Statement of Objects and Reasons of the Bill, which says "A large number of refugees from East Bengal have, under pressure of unfortunate circumstances arising out of communal disturbances or fear of such disturbances, come over to West Bengal and wrongfully occupied considerable areas of land and many premises belonging to Government and private owners. Even lands acquired for relief and rehabilitation purposes have been trespassed upon upsetting plans for resettlement of refugees. Taking advantage of the situation other persons who are not *bona fide* refugees have also acted in violation

of law and disregard of all private rights in property. The usual proceedings for eviction of these trespassers through civil courts are expensive, dilatory and harassing to the parties concerned and may also cause great hardship to the refugees unless they can get lands for their resettlement. Now that Government has adopted large measures of relief and rehabilitation and is in a position to find alternative lands for *bona fide* refugees who are wrongfully occupying lands belonging to others and maintaining a precarious possession in the eye of law, Government considers it necessary to bring such an undesirable situation to an end by obtaining powers contemplated in this Bill."

It will be evident, Sir, from the Statement of Objects and Reasons that the Bill has two-fold objects in view. In the first place its object is to uphold law and order—there is no doubt about it—namely, to secure possession to those persons who are the owners of trespassed lands and to provide for the eviction of those persons who are in unauthorised occupation of land. But, Sir, that is not the only object of the Bill. The other object of the Bill is to provide alternative land to the refugees who are in unauthorised occupation of other people's land so that they may be rescued from their present precarious position and may be rehabilitated on a stable basis. That, Sir, is the object of the Bill so far as the *bona fide* refugees or displaced persons are concerned. No *bona fide* refugees or displaced persons therefore can have any legitimate ground to object to the provisions of this Bill, because this Bill does not aim at outright eviction of the *bona fide* refugees or displaced persons without making suitable provision, that is, actually providing alternative lands to them for resettlement. That being the case, I would call this Bill, a Charter for the rehabilitation of the refugees. Only those persons, pseudo-refugees, who are not real refugees, who have worn the mask of refugees and who are in unauthorised occupation of other people's lands, who have committed criminal trespass describing themselves refugees, only those persons may have reasons to be afraid of this Bill. Others—genuine refugees, *bona fide* refugees, really displaced persons—are assured, so far as this Bill is concerned, of rehabilitation, and rehabilitation on a sound basis.

Sir, I think the object of the Bill has been misunderstood because of the short title of the Bill, namely, that the Bill is a Bill for eviction of persons in unauthorised occupation of land. Therefore, Sir, Government have thought it proper to suggest amendments so far as the titles of the Bill are concerned—the short title, the long title as well as the preamble of the Bill which will now make it clear that the object of the Bill is rehabilitation of displaced persons and eviction of other persons in unauthorised occupation of land and such other matters. Therefore, Sir, wind has been taken out of the sails of those who are interested in misrepresenting the objects of the Bill. It is not that the Bill has been changed, materially changed, by the alteration of the title: it has only elaborated the title and it has only made clearer the intent and object of the Bill.

Now, Sir, if any one goes closely and carefully through the provisions of the Bill, he will find that the object stated is fully reflected in the provisions of the Bill and amendments have been suggested rather to make those provisions and the objects of the Bill further clear. It will be crystal clear from the amendments suggested on behalf of the Government that the object of the Bill is no other than the eviction of unauthorised persons on the one hand, and, on the other, the rehabilitation of those persons who, driven by unfortunate circumstances, have come to occupy other people's land, probably, because they did not get any land

at the time when they came here, but who, the Government suppose, will be only too glad to be rehabilitated on a sound basis and will cease to trespass on other people's land since they will get alternative land. Therefore, there can be no reasonable doubt that the Bill is going to oust the refugees, that is, the *bona fide* refugees and displaced persons, without making any provision for alternative accommodation for them. It is the policy of the present Government or rather it is our national policy to rehabilitate the persons displaced from Pakistan. That is the national policy of the Government today, and, Sir, so far as the State Government is concerned, that policy has been adopted by the present Government since they have come to office. It was only the previous Government, the Government who held office up to the 22nd of January, 1948, that refused to adopt any policy or scheme of rehabilitation simply because they were anxious in the first place not to antagonise the East Bengal Government by adopting any policy of rehabilitation of refugees, although 10 lakhs of refugees had by that time come over to West Bengal, and, secondly, they were hesitant to accept any policy or scheme for rehabilitation because they thought it would invite people from East Bengal to come over to West Bengal. Sir, it is a humour of the situation that Dr. Banerji who was in a Government which did not consider the rehabilitation of refugees, a sound plan or a desirable thing is now coming forward to lead the refugees and demand their rehabilitation. That is the strangest irony of fate, I may say. Had he been in the Government today, he could not have brought forward this Bill consistently with the decision of his Government. There would not have been any necessity for him to bring forward this Bill because he would have said that there was no refugee problem in West Bengal. Sir, the rehabilitation of refugees being our national policy and being an accepted programme so far as this Government is concerned, this Government is anxious to see that the refugees are rehabilitated on a proper basis and that they are rescued out of the insecurity of the tenure of those lands of which, driven by unfortunate circumstances, they are now in illegal occupation. It is our anxiety for the refugees that has compelled us to bring forward this Bill.

With these words, Sir, I would invite the House to take this Bill into careful consideration. Let us put aside all pre-conceived ideas about the Bill and let us all sit together in peace and consider the provisions of the Bill and try to enact it in the best interests of the refugees.

(At this stage Janab Md. Khuda Bukhsh rose to speak.)

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** Sir, I would ask Mr. Khuda Bukhsh to yield to me. I think it would clear up matters if we put the whole background with regard to this problem of rehabilitation of refugees and how it has developed, before any member would take up the question. As it stands, Sir, it so happened that in May, 1950, the Government of India, so far as the Delhi area is concerned, enacted a provision called the Government Premises Eviction Act, 1950, which provided that any person who is occupying any Government premises and belonging to the Government or on lease of the Government or requisitioned by the Central Government anywhere in India, they would have the power to evict these persons. In accordance with that the Government of India asked us to take steps to evict persons who had occupied certain lands in Ichapore belonging to the Defence Department of the Government of India because the Government of India intended to extend their operations in that area. My reply to the Government of India was that it was not possible for this Government to take charge of this

eviction unless and until alternative accommodation was provided. That was in May, 1950, nearly one year ago. Soon after, members will recall, there was an instance where a Muslim migrant had come back to his own house somewhere near Hyat Khan Lane which was occupied by a refugee. The Government of West Bengal evacuated the house and put it in charge of the migrant but the Court of West Bengal considered this to be an unjustifiable act and actually the Police Officers in charge were convicted to two months' imprisonment for unlawful work and we were advised by our Law Officers that we did not possess any powers of eviction of this character.

Similarly, there were other buildings and premises rented by the Government of India, by the Improvement Trust, Calcutta Corporation and other public bodies including premises belonging to the Government of West Bengal which were also being forcibly occupied by refugees.

My friend Rai Harendra Nath Chaudhuri has said that many of these refugees are really pseudo-refugees. Unfortunately some of them happened to be in permanent service in some area in West Bengal and yet because of their connection with East Bengal some time or other they claim the position of being a refugee. Apart from that numerous letters began to pour in. I will quote two or three of these letters.

"The humble petition of Rajani Kanta Dutta Roy, son of late Haran Chandra Dutta Roy, residing at present at 4, Nepal Bhattacharjee Street, 1st Lane, Kalighat, most respectfully sheweth:

That I am a refugee from East Pakistan and having opted my service to West Bengal, I purchased some land, 1.17 acres in area, in *dag* No. 42 in the *mauza* police-station Jagatdal, at present police-station Naihati, 24-Parganas.

That owing to the pecuniary difficulties we could not construct any house there and this land being an agricultural land was cultivated by me through the *bargadar* from the time of the purchase.

That at the instigation of the President and Secretary of the Committee some persons of the Bejoy Nagar Colony, No. 5, illegally and forcibly entered into western and north portion of my said land and took away earth from my land cutting ditches thereon to the north and to the western portion of my said land causing a great loss and damage in spite of the objection of my *bargadar*."

Then again a lady called Srimati Radharani Naskar, a widow, who also said that her husband had 3 *bighas* of land, *saj jam* as she calls it, near Dum Dum Municipality, and she said—

উক্ত জমিতে গৃহাদি নির্মাণ করছে এবং জমিতে গভাদি করে জমিতে একেবারে ফসল উৎপাদনে হাসজনক কাজ করছে। তাদের এই রকম অভ্যাসের জন্য আমি ব্যারাকপুরের Subdivisional Officerকে দরখাস্ত দ্বারা জানিয়েছিলাম। এ যাবৎ আমার দরখাস্তের কোন প্রতিকার না হওয়ায়, আমি শ্রীলোক হয়েও—যারা জমিতে গৃহাদি নির্মাণ করেছে এবং জমি কাটছে ও গভাদি করছে, তাদের অনেক কাকতি মিনতি করে বলা সত্ত্বেও তারা আমার কথায় কর্ণপাত আশে না করায়, আমি উক্ত জমিতে লোক বারকুচাঘের জন্য লাঙ্গল দেবার ব্যবস্থা করি। চাষ দিতে গেলে লাঙ্গল ফেলে দিয়ে জমি হতে তাদেরকে তাড়িয়ে দেওয়া হয়। আমি উক্ত জমির জন্য বহু চেষ্টা করা সত্ত্বেও কোন প্রতিকার না হওয়ায় দরখাস্ত দ্বারা প্রার্থনা করিতেছি যে আমার উক্ত জমিতে যারা জোরপূর্ব্বক বসেছে এবং জমি নষ্ট করছে, তাহিগকে উক্ত জমি হতে তুলে দিয়ে, আমাকে যে কষ্ট দেওয়া হচ্ছে তা হতে আমাকে রক্ষা করুন।

Then again there was another letter which says:

পূর্ব্ববক্তের কয়েকটি পরিবার জোরপূর্ব্বক উক্ত জমিতে গৃহ নির্মাণ করছে এবং গভাদি করে জমি একেবারে ফসল "উৎপাদন" হাস করছে।

Then there was another letter from a gentleman called Mr. Anadi Charan Bose. He says—

"I am approaching you again with considerable dismay today as I find from the papers that Mr. Soumendra Nath Tagore of the R.C.P.I. challenged Dr. B. C. Roy's statement in a Press Conference a few days ago that some of the lands occupied by the refugees belonged to the middle-class people. Mr. Tagore said that lands in the occupation of refugees mostly belonged to big landlords and capitalists, etc. I most emphatically plead that this statement is far from truth, for as far as I am aware most of the lands round about Calcutta may be lands also which were not yet disposed of. I acquired a small plot of land with my hard-earned money while about to retire from the post of Deputy Magistrate with the hope of building a house for my family after retirement. I retired after 42 years of service a couple of years ago and I find huts have been built on my land and what more, when I pleaded with the President of the so-called Bastuhara Committee which is said to be distributing lands there realising large sums of money, I was told, I must pay sufficient amount to get the land vacated, the land which belonged to me. It is impossible for me to pay so much out of the pension I get in these hard days."

Sir, these are few samples of the letters that were addressed to the Government. There were many other cases. These cases were brought before the court and section 144 was applied and in some cases even force was used. But we all realise and realised for a long time that the clearest human approach to this human problem would be in a different direction. I quite realise that no Government in whatever country you can think of can see with equanimity the occupation of land belonging to somebody and their right to the property being interfered with. As a matter of fact, our Constitution has laid down that no person shall occupy another person's property without compensation. There is a freedom for anybody to possess property. Therefore, Sir, this is the picture on one side that it is impossible for any one to think that any property which belongs to a person should be interfered with either from the point of view of general justice or from the point of view of the Constitution. At the same time you cannot forget that these men that have come from the other side did not come of their own choice. They have come because of force of circumstances. They came here, as I have said so many times in this House and outside, dishevelled, bereft of everything that they possessed, not merely of material resources but also of their mental equipment, and therefore, as I realised this condition as far back as the 26th of January, 1948, three days before I took up charge of Chief Ministership, in reply to a letter which was sent to my predecessor on the 17th of January which my predecessor did not get because he was not here then I sent this reply to him. "In paragraphs 6, 7 and 8" I was writing to the Chief Minister "You have referred to the large number of refugees who have been displaced from their homes in different parts of the Punjab and Sind. In paragraph 9, you refer to a sub-committee having been appointed by the Cabinet to survey the problem of rehabilitation of refugees coming from Western Pakistan and to lay down the general lines of policy and to make recommendation for an overall planned system of rehabilitation and generally speaking to suggest the machinery necessary to ensure putting it into effect. This Cabinet sub-committee has also been asked to examine all financial implications for such a plan. While this sub-committee will consider the problem of Sind and East Punjab, I will urge most strongly the case of Eastern Pakistan. It is our information that more than ten lakhs have already



migrated from East Bengal to West Bengal. I have asked my Secretariat to prepare a scheme for rehabilitation of the people that have already come over to West Bengal, and I hope to be able to send you the scheme within a few days. Your sub-committee should consider the case of East Bengal refugees. In fact, I will urge the Cabinet sub-committee to consider how they could devise a method of meeting the refugee problem in West Bengal immediately, and in this connection I would request you to approach different neighbouring provinces—Assam, Orissa and Bihar—to try and find out to what extent they would co-operate with us for the purpose of rehabilitation of refugees from East Bengal."

This letter was written on the 26th January, 1948, and from that time onwards for the last three years and a quarter through many evil reports and good, through different tribulations and difficulties through which we have passed, I feel that myself and my Government have taken the utmost care to see that the problem of refugee rehabilitation is not overlooked by this Government and also by the Central Government.

Sir, I will also recall to the mind of everybody the fact that in the beginning it was very uncertain as to whether the men who have come from East Bengal would also remain here for all time to come. There were two opinions on that subject. I knew this when I wrote this letter, and immediately afterwards when I met the Minister at the Centre. I was told that it was thought that most of those who have come from East Bengal would go back. I did not agree with them. As I indicated in the letter which I have just quoted. I told him that it was not likely that these men would go back, and therefore the problem of rehabilitating them should be seriously considered. But for several months, the only help we got was the question of giving relief, and as a matter of fact in the year 1948-49 and the first part of 1949-50, the only relief and so much of rehabilitation as was taken up by the Government of West Bengal was done with the money of the province, although ultimately they were recouped by the Central Government. The present position is that while the Central Government had given grants for the purpose of giving relief to a certain number of people for the purpose of rehabilitation they have laid down a principle, namely, that they will give loans to individual refugees, because the Central Government themselves are in a difficult financial condition as everybody knows, and it will not be possible for the Finance Department there to agree to give to the refugees of West Bengal anything in the nature of a grant except in certain particular circumstances. Therefore, Sir, I say that my colleagues in the Cabinet and myself have been putting our heads together and trying our level best to get a solution of this problem.

Now, Sir, there are two problems before us. One was the problem of finding relief for those who owned land which has been squatted upon, and how to remove these squatters, and the other was how to adjust this particular point of view with the point of view of giving relief to the East Bengal refugees who are really *bona fide* refugees. I claim, Sir, that it is one of the most difficult situations which any Government can face. It is one of the most delicate situations, and the time that we have spent on making provisions in this Bill I do not think that time has been wasted, but the time that we have spent in making provisions of this Bill has been well spent, because the two varied and almost opposite claims and opposite rights have to be granted, have to be adjusted and there should be a check and balance with regard to both of these claims and both of these rights in one Act; and I say, Sir, that it took the intelligence and forethought of most of our legal advisers for days together to find out a compromise and a solution. The compromise

has been arrived at in two ways. In the first place, my party members, when they saw the Bill, had their own comments to make. We discussed the Bill clause by clause, and there was some approach so far as the delicate problems are concerned.

**Mr. SPEAKER:** Order, order. You should not refer to members belonging to your own party.

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** Sir, they are also members of the Assembly.

Now, Sir, as I was saying, similarly members of the Opposition also gave notice of amendments, and their point of view ought to be taken into account. Therefore having taken these two different points of view we arrived at some conclusion. I do not say that in a matter so complicated and so complex as it happens to be, there will be a fair solution which will satisfy everybody. I will give one example. For instance, if any particular person has occupied a land which belongs to an owner and that land has been, we have provided in our amendment, squatted upon, and that land happens to be a shelter or means of livelihood of that individual, that man should not be evicted. The language in which it is to be put so that it may not be challenged in any court and so that it may not be exposed to any form of misinterpretation and misunderstanding requires a good deal of deliberation and also looking into.

There is a suggestion made by my friend, Mr. Badrudduja, that I have given an undertaking that in this Bill and in any subsequent Bill we shall bring something which will protect the interest of the Muslims. I claim that this Bill gives protection to the Hindus, the Muslims, the Jains and Christians or anybody whose land is squatted upon. If this Bill were not before the Assembly today, the present law is that any man whose land or premises is squatted upon or encroached upon, he has to go to court, and there is an ordinary procedure to be adopted. My lawyer friends tell me that it takes six months, nine months, one year, two years or even more in order to get that dispute settled. This Bill gives this provision that any squatter who has squatted upon the land of an owner—the "owner" has been defined; the owner may be a Hindu, Muslim, Christian or a Jain—he ordinarily under section 3 will be evicted, but if he is a displaced person then the processes of eviction will not be given effect to or rather the decision regarding eviction will not be given effect to until an alternative site is available. Government undertaking to find out that site in an area which could give to the refugee a method and a means of continuing the source of income and maintaining his livelihood even in the new site. I can assure every member of the House that I have thought over this matter perhaps more than any other member of this House or even outside it, because I was greatly worried with the conflicting claims of these two classes of people. So far as the Government is concerned, or should I better say so far as my individual intention is concerned, I would not like to disturb any refugee who has been rehabilitated in a particular plot of land and provided that that plot is not a place of shelter or a source of income of any other individual.

Generally speaking, Sir, there are three types of lands which have been squatted upon. One is the land of a person who may be a Hindu, a Muslim or a person of any religion, which land is the only means of his livelihood or it gives him the only shelter that he possesses in West Bengal. Therefore that land cannot be allowed to be taken up by somebody else. The second type may be a small land which is the only source of income of a person—it may be a small garden with a small tank

in it which gives him that amount of produce which keeps his body and soul together. That land also should not be affected. The third group of lands which have been squatted upon are the lands which are so costly that it would not be possible for the Government to acquire them even on behalf of the refugees by giving the owners price of the lands, but if any particular refugee says that he would be able to take that land on payment of compensation according to the market rates as settled by the competent authority or by the Land Acquisition Collector, and for that he wants enhanced loan to be paid in 30 or 40 years, I would be the first person to recommend to the Government of India to grant him that extra loan and I believe that the Government of India would agree to it. It is not my intention to remove a body of squatters from any particular area although there are some displaced persons who have occupied, as I mentioned just now, lands belonging to a poor widow or a land belonging to another refugee or a land belonging to a person which is his only source of income; these lands are to be excluded.

As regards the lands which are very costly yet if the group of squatters occupying those lands have built houses, have provided schools and other amenities, provided other civic amenities, it would be a good thing if we could help them to develop that area into a small township and it would be the duty of this Government to provide them with such other facilities as may be necessary to develop the area into a township. That is my own personal approach and I believe it is the human approach. I have accepted on my own behalf certain suggestions made by the opposite side in their amendments. Sir, I am told that I have accepted their amendments and in doing so I have probably accepted the Opposition point of view. Sir, if I have done so, I have done it because that is my feeling and that is also the feeling of my other colleagues and that is also the feeling of the members belonging to my group and therefore if I have stooped down to accept the suggestions made by the Opposition, I have stooped to conquer the great problem, the complex situation which is facing us today. Sir, I make bold to say that there is no other country in the world which is faced with a situation which is so complex as we are faced with today. Sir, remember that East Bengal and West Bengal are knit together by ties of blood and friendship and kinship and therefore it is the most difficult problem to try and discriminate the claims and rights of those who have come over and the claims and rights of those who are here. There is a great deal of difficulty, I admit in meeting the situation.

We have tried to provide for every eventuality such as we can foresee, but it is possible that, in the working of this Bill, the help of every party concerned, parties and persons who believe that the refugee problem should not be a party problem, every help from every quarter would be required in order to solve the problem speedily. Sir, it will be seen that we have put down the Bill as it would be operating for only three years. The reason is that I want things to go as quickly as possible because it is a very dangerous thing to let those who have come over from East Bengal and have sent everything that they possessed for the purpose of constructing a house for their stay here, to be in this uncertain state of affairs knowing not whether they possess any right on the houses which they have constructed although such houses are on lands over which they have no right. It is perfectly true that this is a bold attempt on the part of this Government to legalise the occupation by persons who have no legal right to possession of a particular property. If we succeed—as I have every hope we will succeed—we shall have done wonders; we shall have shown to the world that it is possible to solve

my problem in this world with a human touch. Therefore when the suggestion was made from various quarters that the definition of a displaced person should be given in order to increase the period beyond the 15th August, 1947, as was originally proposed to 1st of October, 1946, because it meant that it included the refugees that came here after the Noakhali tragedy. I accepted that position because that met with the consent of all who help me and who support me. The next question is whether he has any land in West Bengal. "Land" means "land premises" according to the definition in the Land Acquisition Act. Therefore if a man has got land he has no business to call himself a displaced person. I have known of cases where a person got a house here which he has let out to a displaced person at high rent and is squatting on other people's property saying that he is a refugee. Sir, those things must be stopped. Similarly he must say definitely that he will be here and is not inclined to go back to East Bengal. Then the question was who is to decide the various issues. At first we suggested that he should be a person from the executive side. The suggestion was put forward that he should be a Judge. I felt that it was a correct suggestion because he will have to decide many issues which he as a Judge is more competent to decide than probably a Magistrate would be able to do. Then there is the question of the owner. It has been suggested to me by my friends opposite that this word "owner" probably refers to only a particular person belonging to a particular religion. Not a bit of it. "Owner" is an owner as defined in the Act, namely, a person who is in possession of a property for which either he pays rent or he recovers rent and so on. Therefore any owner under section 3 of the Act can apply to the competent authority that a particular person has squatted on his land and if he has done so he will be ordered after enquiry to vacate the land. But while this is allowed under section 3 and while that power is now given to the Government to remove a squatter from an unauthorised occupation, under clause 4, we say definitely that if he happens to be a displaced person under the definition of the word in the Act, he shall not be evicted until or he shall be evicted only if the State Government can get a land which in the opinion of the competent authority gives the displaced person an opportunity to carry on such occupation as he may have been engaged in for earning his livelihood at the time when the order was made.

Sir, there is another point. There was a question in the courts as to whether we could acquire property under the Land Acquisition Act with the present definition in the Act. Therefore we have to put in the words "public purpose". Now, what is public purpose? The Constitution lays down that we can only acquire property for public purpose. Here in this case the public purpose is rehabilitation of refugees. Therefore there is that question that comes up again as to whether this gives ample protection to the Muslim community. I put the problem in this way: supposing this Act were not there, an ordinary person, be he a Hindu or a Muslim or a Christian, will have to go to the court of law to get relief from the court, and in this case Government comes in. The Government has the onus to remove that person, particularly so if that land belongs to a person who is entirely dependent for shelter or livelihood on such land. A large number of cases have come to me both from Hindus and Muslims who have gone from one part of the province to the other during the disturbed period, who did not go over to East Bengal but moved from one district to another, or moved from the province of West Bengal to another province within the Indian Union, who, therefore, only want to come back and if they can show that they are dependent for shelter and livelihood on that land, no land

shall be acquired in pursuance of this section, if the owner is entirely dependent for shelter and livelihood on such land. That is to say, if he belongs to one community or other, there is no question of that land being acquired to give shelter to the refugees. If that is the only shelter he possesses, if that is the only protection he has, and if that is the only source of livelihood, then the provision of the Bill—the amendment—says that that land would not be acquired. I hope and trust that this will meet the difficulties which some friends have proposed.

Then, Sir, the question is, if the competent authority is found to be wrong, who is going to be the appellate authority? We have provided for a Tribunal which is again a proposition from our side. It will be a Tribunal consisting of a person who is a High Court Judge and two other persons, in order that those findings of a Judge may be properly looked after and looked into.

There is another point, I want to make perfectly clear. That is, that the decision of this Tribunal would be final according to the Constitution for the simple reason that we do not want to harass either the owner or the squatters for any length of time. This is a summary procedure under a summary method, summary approach, and summary enquiry. Therefore we have put down the provision that the decision of this competent authority or of the Tribunal as the case may be will be final.

Sir, with these provisions in the Bill and with the amendments, in order to clarify the attitude of the Government towards the immediate objective which my friend Rai Harendra Nath Chaudhuri has placed before the House, I feel that we have nearly solved the problem which has been made so difficult because of the conflicting ideas and ideals of different parties.

With these words I support this motion for consideration of the Bill.

**Dr. P. C. GHOSH:** Mr. Speaker, Sir, I had no intention to speak at this stage but after I heard my Hon'ble friend Rai Harendra Nath Chaudhuri, I thought it would be wrong for me not to speak at this stage.

Sir, as I was listening to his speech, I was reminded of a famous sentence of Maxim Gorky that you cannot drain blue blood out of a person even with a pump. I did not think that he would bring in acrimony in this debate; I did not think that he would bring in politics in trying to discredit one party or another. I would request him to think again whether or not it was unfair to us. He knew it fully well that the letter and the telegram which he referred to were not sent by me and that these were sent by the Secretary of the Relief and Rehabilitation Department, and probably I was not in Calcutta on that day. It was the 22nd of January, 1948, of which capital has been made—the language was not mine, the language was of somebody else—and he lays stress on it, but I am glad that the Hon'ble Chief Minister has said that his predecessor did not see it. Sir, I did not remember the whole thing, because it is now over three years or so. One cannot always remember what he said or wrote three years back. So I enquired of the Hon'ble Chief Minister who said that it was the Secretary to the Relief Department who sent that telegram. So, Sir, the language was not mine; and if the Hon'ble Minister in charge of the Revenue Department had enquired into the matter, he could have known the whole thing. My friend the Hon'ble Kalipada Mookerjee was then the Revenue Minister; he could ask him; and Sri Kamal Krishna Roy was then the Relief Minister and he is now working under the West Bengal Government. He also could have been asked. (Shaikh MOHAMAD RAFIQUE: He won't say anything now.)

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** He was referring to the decision of your Cabinet.

**Dr. P. C. CHOSH:** Sir, I do not remember the whole thing and I cannot now get any copy of the decision of the Cabinet. So I would request him to read out the decision of the Cabinet if he thinks it proper, instead of repeatedly quoting a thing written by somebody else only to prove that truth is nothing but persistent propaganda. So I would request him to consider all these things and not to repeat these things.

Sir, I have not considered this from political aspect at all, and if the Ministers want that others should not do it, they also should follow the same example. But I was glad at the speech made by the Hon'ble Chief Minister. I would tell my friend Rai Harendra Nath Chaudhuri that when the Bill was framed, the title was the Eviction of Persons in Unauthorised Occupation of Land Bill.

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** That I have explained.

**Dr. P. C. CHOSH:** Of course, you have explained. After all, explanation is explanation. You must remember that people's mind is not carried by explanation. They want to know how the whole thing is focussed. People's attention should be focussed on rehabilitation and not on eviction. Here eviction was the primary thing, and that is why we wanted to change the name of the Bill. He accepted it because it was reasonable for him to accept. We talked to him reason and he has accepted it.

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** It shows that I listen to reason.

**Dr. P. C. CHOSH:** But my complaint is that he accepts reason but he also brings in acrimony even when he listens to reasons. He said that if Dr. Banerji had been a Minister, probably he would not have brought this Bill. But he was a Minister for only 4½ months and at that time we did not know definitely how many refugees would remain and what steps would have to be taken. You have brought this Bill after three years. If you have become wise after three years, you want your predecessors to be wise in three months. Is that fair logic and is that justice to your opponents even? You should not consider those who are in the opposition in the Assembly as enemies. We have all come here to solve the problem of the country together, and if you think in that way, then you will serve the country, otherwise you will do disservice to the country and yourself. That was, Sir, about my first amendment and as regards the second, both Dr. Banerji and myself have given the same amendment and I may take you into confidence—

**Janab MD. KHUDA BUKHSH:** On a point of order, Sir. Is it in order to talk about the amendments now for the amendments are not before the House?

**Mr. SPEAKER:** He is discussing generally the amendments.

**Dr. P. C. CHOSH:** Sir, I may take you into confidence. While drafting this amendment, I consulted an eminent lawyer of Calcutta who is known to be a constitutional lawyer so that nothing would be done in an improper way. I do not want to mention his name because unnecessarily I do not want to do so. The second amendment was "after the 1st October, 1946"; because many people came after the Noakhali trouble

and if they remained here after the 31st December, 1950, it is apparent and plain that they do not want to go back. So, they have got to be rehabilitated. Therefore, we have brought in this amendment—instead of the 15th August, it would be better if you accept this amendment. But you say “If you had been here, you would not have done anything”. Sir, even after accepting the amendment, that is not good grace.

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** I have admitted that.

**Dr. P. C. GHOSH:** Yes. So, I have said I have appreciated your speech. Where appreciation is due, I have given appreciation, but where it is not due, I cannot.

Sir, that was the second amendment.

Then, Sir, I think in our private discussion, it was also agreed to accept the amendment “who or whose family” because you know there are many people who have been serving here in West Bengal—

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** May I ask Dr. Ghosh that when the amendment comes, it is better to talk about it at that time.

**Dr. P. C. GHOSH:** You also talked about the amendments. Sir, I am covering the entire field more or less. Sir, there were certain people who have been serving here, but, at the same time, their families were in East Bengal. They could not say that they were ordinarily residents of East Bengal—they were residents of West Bengal but their families were living in East Bengal and after the trouble they have come over here. You also agreed that this should be done, but in the meantime as the final draft has emerged, we find that the word “family” has been dropped. I am at a loss to find where we are because that is an important point. So, Sir, I would appeal to the Chief Minister to see that this is included because that was agreed upon—both the Revenue Minister, the Hon'ble Rai Harendra Nath Chaudhuri and the Hon'ble Chief Minister had agreed.

Sir, the main thing was about clause 4—that was the main operative portion. Some people have said “Oh, you have only got a change in the name. You have not got the substance—the substance is in clause 4”. So, the whole thing remains as if in a flux. There was a lot of discussion about this clause 4. In clause 4 we have suggested—as the Chief Minister has said—these three things. The amendments that we gave to him were practically more or less this. We have said: A displaced person who on the 31st December, 1950, was in unauthorised occupation of any land whereon a house has been erected by him for residential purposes shall be deemed to be in rightful occupation thereof on payment of such consideration periodically or otherwise as the Competent Authority may by order deem fit to assess. The Government of West Bengal, shall, if possible, acquire the said land for him—as the Chief Minister has said just now. If, however, such acquisition be not possible, the occupation of such displaced person shall not be disturbed until the Government of West Bengal provides him with land and house in the vicinity of the land wherefrom he is sought to be evicted and if suitable land be not available in such vicinity Government shall provide such displaced person with land and house in an area which will enable him to carry on conveniently such occupation as he may be engaged in for earning his livelihood at the time of the order.

Sir, this was also agreed upon subject to one thing that it should be drafted in the legal language. But may I humbly submit that this was also drafted by a Barrister and I do think, Sir, that instead of saying

that this is better or that is better, if the law officers reconsider it and find it suitable, I hope there will be no question of prestige standing in the way of this officer or that officer accepting the thing. If that is found suitable to us and if the Chief Minister accepts it on principle at least, then about the language let us not quarrel—if the present language suits the position better, in our opinion, then I think the Chief Minister should accommodate the Opposition to that extent if it is only a question of language. Sir, this is the main thing and the way in which the draft has come, I think, does not make it as clear as this draft does and that is why my friend Dr. Suresh Chandra Banerji has given notice of an amendment—short-notice amendment—after the final draft came. I may tell you that I did not even know that by 2 p.m. to day we are to submit amendments because on account of certain illness, I could not come to the Assembly and no notice was sent to us. Nobody told me and I was surprised to learn that no amendments could be given—Dr. Banerji told me that this could be done up to 2 p.m. today and he has given notice of amendments. Though, Sir, I do not want to stand on technically—

**Mr. SPEAKER:** As a matter of fact, notice of amendments to amendments is not given. We did not give any notice that within such and such a time you have to give amendments to amendments—that is not done.

**Dr. P. C. GHOSH:** Sir, I am glad to learn that notice of amendments to amendments can be given on the floor of the House even as the discussion proceeds.

**Mr. SPEAKER:** If you like, you can give it now.

**Dr. P. C. GHOSH:** Sir, I am glad that when an amendment has been moved, we can move amendments to amendments even now. Dr. Banerji—

**Sr. JYOTI BASU:** On a point of privilege, Sir,—

**Mr. SPEAKER:** You just mention it after he has delivered his speech.

**Dr. P. C. GHOSH:** I am glad Dr. Banerji has given notice of an amendment and if the former is not acceptable, I hope the Chief Minister will at least accept this. His amendment runs as follows: "Notwithstanding anything contained in section 3, a displaced person who on the 31st day of December, 1950, was in an unauthorised occupation of any land shall until as hereinafter provided be permitted to remain where he is at present on payment of such consideration periodically or otherwise as the Competent Authority may by order decide. It is further provided that the Government shall acquire the land in accordance with the Land Development and Planning Act, 1948. If, however, in the opinion of the State Government it is not found possible to acquire the land then the occupation of such displaced person shall not be disturbed until the Government provide such displaced person with a land and a house which in the opinion of the Competent Authority is suitable and convenient to such person and is in an area which will enable him to carry on conveniently such occupation as he may be engaged in for earning his livelihood which he was doing at the time of the order. On such accommodation being provided he shall vacate the land and house which he originally occupied".

Sir, I do humbly submit that this would meet the whole case. Sir, this clause 4 is the most important and the vital clause and really the



operative portion of the Bill, and if in the operative portion of the Bill the real people do not get real redress, then it is a difficult thing. As the Hon'ble Chief Minister was saying, there are some persons who have got houses in Western Bengal have also occupied land. That is why we gave that amendment although it was not in the Government proposal. So at least that ought to have convinced my honourable friend Rai Harendra Nath Chaudhuri about our *bona fides* that we made that suggestion about the refugees who are the owners of houses in Western Bengal. It was our amendment. The Hon'ble Minister says "yes, it is an improvement". So I do say, Sir, that we have looked at the Bill not from this party or that party point of view, but we have looked at the Bill from the point of view of the refugees, as we want along with everybody else to rehabilitate them with the least amount of irritation and trouble. Because you know that those persons who have left their hearths and homes are in a sort of surrounding in which they were not there. Their nerves are highly strung, and it is better that you irritate them least, it is better that you give them a place where they will naturally like to remain. As the Chief Minister has said if they have started some school, or some sort of a society, or some such things which should not be disturbed, they should not be disturbed. I should say, Sir, that in the Bill there should be some such clause. After all, when the cognizance of a thing is taken in the court or anywhere, the Chief Minister's statement, however, important it may be, may not be taken cognizance of. Then the court will say "this Bill will be taken cognizance of and not the Chief Minister's statement, however important it may be". Therefore I should say "kindly incorporate all these things in the Bill; if you do incorporate these things in the Bill, I shall have no objection. But if you say 'well, the Chief Minister has made this statement', that will not help. I will request the Revenue Minister who is moving the Bill to see that the whole thing is incorporated. I will make this appeal that the Bill should be considered only from the point of view of rehabilitating the refugees and should not be considered from any other point of view. As far as my other friends, Muslim friends, are concerned, I do say that if anybody's right has been encroached upon—if he is a Muslim and his right has been encroached upon; if he is a Hindu and his right has been encroached upon—then, as I have said, in order to give somebody shelter, another man should not be made shelterless, whether he is a Muslim or a Hindu. If a Muslim has been made shelterless he should be given a shelter; I think in this Bill there is provision for eviction if it is found necessary by the competent authority. Therefore, they should not think that there is no provision for that. In future if we find that no provision is there, we shall be one with you to demand such a provision and they will be compelled to bring in another Bill. So it should be made absolutely clear that we should not be hyper-suspicious. That is all that I want to tell you.

With these words I say that let us consider the Bill in that spirit and I will request you to accept the amendments that we have suggested.

With these words I resume my seat.

**SJ. JYOTI BASU:** On a point of privilege, Sir.

**Mr. SPEAKER:** What is your point?

**SJ. JYOTI BASU:** The point is whether it is possible for us while discussing the clauses of the Bill to suggest amendments to the amendments suggested.

**Mr. SPEAKER:** If you move any amendment I will allow it.

**Janab MD. KHUDA BUKHSH:** Amendment to amendment?

**Mr. SPEAKER:** Yes; that is right. Suppose an amendment has been moved by a member of which notice has been given, you can move an amendment to that amendment. I shall accommodate you to the furthest possible extent in making your amendment intelligible and in moving the proper amendment.

**Janab MD. KHUDA BUKHSH:** Mr. Speaker, Sir, this is a very important Bill which has exercised public mind as much as the leaders. Sir, we have pleaded at the very outset our inability to move amendments. I am, Sir, personally and specially concerned over the provisions of this Bill. After the Delhi Pact was concluded between the Prime Ministers of India and Pakistan, that Pact was elaborated by the ten-point annexure published later and a provision was categorically laid down in that annexure, for restoration of houses and lands to migrants who, of course, in the case of West Bengal are the Muslims, and it was agreed that the Governments of West Bengal, East Bengal and Assam should immediately assume powers to evict the unauthorised occupation of migrant's property and to restore possession of such property to the migrant, owner or occupier on his return. Sir, here the word used is "migrant". Sir, the Government brought in a Bill a few days ago where some aspects of this question were tackled, and only those persons who had crossed the border can expect to get some relief from that measure. But, Sir, there are thousands and thousands of Muslims who, due to disturbances, were displaced and dispossessed of their houses and dwellings and lands, and hundreds and hundreds of acres of land have been encroached upon in and around Calcutta and also in the mufassal districts, have been trespassed into and built upon. Sir, I have been agitating here as well as in other places from where I was returned to this House about restoration of property. I appealed to Government and I have all along been told that Government did not have adequate powers to restore possession of these properties and lands and houses to the Muslims on account of inadequacy of the existing law. I have been told, Sir, that shortly Government will be assuming powers—adequate powers to evict these trespassers. Sir, in the Delhi Pact and its annexure the word "migrant" has been used. If there was so much solicitude for a person who crossed the border and returned, how much more solicitude should there be for a person who did not cross the border but was displaced, who was chased away from his house or his land and remained in this country? Sir, I have been hoping all along that this Bill—a Bill that was proposed to be brought to the Legislature—would give them relief and it was in that hope, it was in that expectation that I was looking forward to the bringing of this Bill. At last this Bill was brought. When I saw the Bill there was one or two things which I personally took objection to here as well as in the Minority Commission where I represented this Legislature about the definition of the word "owner". In this Bill "owner" in relation to any land means a person other than a tenant-at-will or a monthly tenant. It was my intention, and I think the implication of the Delhi Pact and its annexure also is, that not only the owner of a land should be given possession of or restored possession of his land, but also a person who was a tenant or an occupier. But I find in this Bill that a tenant or an occupier has been excluded from the provision for the purpose of this Bill. I, Sir, did not wish to move an amendment, because I was under the impression that this Bill being part and parcel of that scheme

which the Government took to implement the Delhi Pact, it was not for me as an individual to move any amendment to the provision, because I know that the whole aspect was discussed threadbare between the two Governments and the two Governments had agreed to bring in identical measures for the rehabilitation of the displaced persons.

Sir, I thought that this Bill coming as it did after the Evacuee Property Bill which has already been passed by the House would aim at doing that, and that is the reason why I did not move amendments to the Evacuee Property Bill. Sir, there has been some agitation over this Bill by a certain section of this House as well as by members outside this House. There has been a lot of opposition to this Bill because of the nomenclature and the different provisions of this Bill. Sir, I have known, being for a long time a member of this House, that Bills have been passed in the teeth of great opposition, but in this particular case Government seem to yield to Opposition. I understand the Hon'ble the Chief Minister has referred to certain consultations held with certain sections of this House and has also referred to certain agreement being reached. Sir, I mentioned to you earlier and I repeat it again very painfully that this section of the House, I mean the Muslim section and I lay emphasis on this that a particular section has not been consulted though this section is very vitally affected. The lands of this section have been encroached upon, houses have been built on the lands belonging to this section and still they did not migrate to the other place because they knew that salvation did not lie in going across the border. I think, Sir, they have not been shown consideration which is their due. Sir, I am agitated and I confess it that I am agitated with a feeling of frustration that the Muslims' cause has gone by default. Sir, when the Bill was first brought the emphasis was on the rehabilitation of the displaced Muslims, but now, Sir, I find that after the opposition given to this Bill the emphasis is entirely shifted and shifted from the rehabilitation of the displaced Muslims to the rehabilitation of the Hindus coming from across the border. Sir, I do not say that they should not be rehabilitated, they ought to be rehabilitated as they are our charge, they are our responsibility. Here there is no question of a Hindu or a Muslim. We must bear the responsibility shoulder to shoulder together. But, Sir, in doing so, I shall not suffer our legitimate interests to be trampled upon whether by Government or by the Government in collusion with one section of the House. Sir, this Bill when it was originally brought sought to remove certain impediments, obstacles in the way of the displaced Muslims getting back their property. Now, Sir, I find that not only those impediments have been reinstated but greater impediments have been put into this Bill so that whatever faint ray of hope was there to get back their property, there is now absolutely no chance of that. Sir, for your reference and for the benefit of the House I shall read out the relevant portion of the amendment that has been sought to be brought by the Government. The most important clause in the Bill—as Dr. Ghosh put it—the operative clause says: "Notwithstanding anything contained in section 3, a displaced person in respect of whom an order under sub-section (3) of section 3 has been made, shall not be evicted...." "Sir, please mark the words "he shall not be evicted"....." "if he pays such compensation as the Competent Authority may by order determine". If a person who is in authorised occupation, a trespasser agrees to pay compensation he will be allowed to stay on! Sir, where is the emphasis? At first the emphasis was on eviction. The Statement of Objects and Reasons says that the whole purpose was eviction but I now find that the all-important clause of the Bill is not eviction at all but giving him a kind of a right to stay on

provided he pays compensation. Sir, that is not what we expected. We did not expect that Government would bring this as a subterfuge—I call this subterfuge of agreement. Sir, the Leader of the House has been pleased to refer to the negotiations. Negotiations were held and I repeat that no one of us was taken into confidence. We were not given a chance to represent our views.

Then, Sir, there is another important matter which is that the Delhi Pact annexure lay down that every displaced Muslim shall be rehabilitated, shall be restored possession of his house where in (d) it is said that in all such cases the overriding consideration should be restoration of all immovable property of the migrants at the earliest possible day. That is the overriding consideration, the saving clause: Now Government thinks for some reason that they may not restore possession of property to a Muslim but he should be otherwise rehabilitated. But, Sir, where is the indication in this Bill that the Muslim should be otherwise rehabilitated? There is no such mention. Their property has been encroached upon, trespassed into and built upon. The trespasser is given the right to stay on in the property as long as he agrees to pay a certain rent or premium fixed by the competent authority. Sir, there is also a duty that the Government owe to a displaced Muslim or to another man belonging to a minority community—I do not want to call him Hindu or Muslim. As I represent the Muslims here, I must emphasise the cause of Muslims on the floor of this House but where is the relief that a Muslim is likely to get? How will he be otherwise rehabilitated? Where is the intention in this Bill that the Government has any intention to otherwise rehabilitate him except that compensation may be granted to him and then, in granting the compensation, the procedure that should be prescribed has been kept vague. There is no indication what should be the method, and what are the things that the competent authority should take into consideration in assessing compensation; it should not be left vague; it should have been laid down that these are the things which the competent authority should take into consideration in assessing compensation. Sir, when the Bill was originally before the House there was the provision for “damages” to be paid to those whose lands have been illegally encroached upon. No doubt, Sir, I have every sympathy for them as refugees but that is another thing. Here we are talking about property and the rights thereof. I am speaking here of the lands of those Muslims of West Bengal which they had to vacate and to become displaced under force of circumstances, who could not just check the onslaught, the rush of the coming refugees and had to vacate their lands and seek shelter elsewhere. They have suffered, they have suffered greatly and for them there is no indication whatsoever what the Government propose to do.

Sir, I am glad to tell the House—I do not know if the Hon'ble the Leader of the House would repeat this before the House which he gave to me personally and privately—that he is seriously thinking to bring in another Bill which would show the miseries of such Muslims and the solution for it and that he is going to Delhi to have consultations with the Hon'ble Sri Jawaharlal Nehru. I do not know, Sir, if he would like to give that assurance before the House publicly which he told me privately. I shall reserve my other remarks about the clauses of this Bill till such time as they are brought before the House.

**SJ. JYOTI BASU:** Mr. Speaker, Sir. I find that the introduction of this Bill has synchronised with an attack against civil liberty outside because today there is an order of the Police Commissioner that no microphone or loud-speaker shall be used in Calcutta without his

permission. I wonder, Sir, whether this has anything to do with the attempt of the Government to pass this Bill in this House, whether the Government was afraid of having seen the huge mobilisation of the refugees outside, who have in no unmistakable terms expressed their sentiments and their resolution against the passage of this Bill as it first appeared before them. The Hon'ble Ministers who have placed this Bill before us and who have been talking again and again about the rehabilitation of refugees need not be so afraid of the refugees as to stop the use of microphone and loud-speaker in Calcutta, if the Bill has provisions which are going to help the refugees. They have especially emphasized that particular point but then I wonder why is it that loud-speakers are being banned: why is it that the Ministers are afraid that our voices will be amplified in the Maidan and in different parts of Calcutta? The second point which I wish to bring to your notice, which I raised at the very beginning and which I do not understand as yet in spite of the discussions that have taken place, is as to why there is a particular hurry of rushing through this legislation. We have been told that this Bill was there for a long time. We know that, Sir, but we also know that for the time the Bill was before us in the House, there has been tremendous agitation against the provisions of the Bill outside. We also know that it is because of that particular fact that the Government again and again postponed the consideration of the Bill. We know that because of that we on this side and, I suppose, members on the Government side approached each other so that we might find a solution to the problem. But unfortunately at the last moment I find some amendments and they are not only one or two amendments. I am a bit confused because sitting here, I do not know whether I have to read the amendments and try to understand them or I am to hear the speeches of the Ministers and members of this House. Sir, we have had enough of experience for the last three and a half years of Congress rule to understand that we should not pass legislation in such a hurried manner. As far as I can make out, the only reason why we are rushing through this legislation is that the Hon'ble the Chief Minister has to leave Calcutta for Delhi to attend the Working Committee meeting there in order perhaps to impress upon the members that money is required for the refugees and so on and so forth. I do not know what he is going to impress upon them but it seems to me that that is the only reason why the Hon'ble Minister is going to Delhi and we have to rush through this legislation, whether we understand it or not and I for one cannot accept this state of affairs and therefore I have been surprised that Government did not yield a bit to our request that this legislation should be postponed at least till Monday or Tuesday next when the Hon'ble the Chief Minister could have come back from Delhi and given us more definite information as to what he has got from the Durbar at Delhi. But we have to go ahead with this piece of legislation.

Now, Sir, I shall confine myself to some general remarks. Last night at about 9 or 10 o'clock these amendments were sent to us. We have been told just now by the Hon'ble Minister who is in charge of this Bill that the main purpose of the Government was right from the beginning to rehabilitate the refugees and that that has been the chief concern of the Government as to why they brought forward this Bill. I am afraid I cannot agree to this point of view. For if that was so how then was it that the question of rehabilitation was overlooked? How was it then that it was named the Eviction Bill? I am sure that was not the purpose they then had in view. The purpose was quite clear as we understood from the Hon'ble the Chief Minister when he stated his position. He stated that the India Government had passed a Bill in

Delhi for the eviction of persons who had occupied Government property and that the India Government sent a communication to the Government of West Bengal that they should act similarly. So, I think that was the main purpose of the Bill. As we had experience during the tenure of office of this Ministry they always do things without thinking in the least and that is why immediately they brought forward this Bill without thinking of the consequences, without thinking of the fact they had to deal with people who were not ordinary citizens whose mental condition, as Dr. Roy himself put it, was a bit different from that of ordinary citizens. I should have thought that if the Government was moved by the consideration of rehabilitating the refugees then the first thing they would have done would have been to announce to the refugees and to the people of West Bengal in general that here we have lands where we shall place the refugees, where we shall rehabilitate them. Has any announcement been made to that effect? Even today when the Hon'ble Minister was placing this Bill before us he has not told us where is the land where Government will rehabilitate the refugees. Government has also mentioned the provision for alternative lands. In the Statement of Objects and Reasons they say that Government has adopted large measures of relief and rehabilitation and is in a position to find alternative lands for *bona fide* refugees, but up to date we do not know where these lands are situated. Sir, that is our difficulty and that is the difficulty of the refugees. But the Government even today tells us that the main purpose of the Bill is rehabilitation, but our point was that they had overlooked this particular word and so they are now naming the Bill in a proper manner. I do not think that there was any need for a long-winded explanation on the part of the Hon'ble Minister for this change in name. The Minister could have said, "We made a mistake in our outlook but having seen the agitation outside and the state of mind of the refugees and having discussed with the members of the Opposition, we understood that such a Bill could not be brought and we must make adequate provisions for really rehabilitating them". Sir, that would have been a better way of putting the thing. Therefore I repudiate the suggestion which was made by the Hon'ble Minister in charge of this Bill that this Bill is a charter for the rehabilitation of refugees: a very tall talk, Sir! But if it was a charter for the refugees, I am sure the refugees would not have opposed the provisions of this Bill, tooth and nail. The Hon'ble Rai Harendra Nath Chaudhuri has told us that there have been no fundamental changes even after discussions were held with the Opposition and he sticks to the position that this Bill has been a charter for the refugees' rehabilitation. As far as we understand we cannot call it a charter for the rehabilitation of the refugees but it is a signal for the eviction of the refugees, for breaking up their colonies wherever they have settled themselves through their own efforts.

Now, Sir, before I go generally into the provisions of this Bill, I should like to raise one more general point. The Government tells us that we should not use the refugees for political purposes. The Government tries to impress upon us, especially upon the members of the Opposition, that this Bill should not be discussed from a political point of view but that our chief consideration should be the good of the refugees, the rehabilitation of the refugees. I agree to that, Sir, but on hearing the speeches made by the Ministers and the statements which they have delivered time and again and the way in which they have been behaving with the refugees, it seems to me that it is only the Government and probably some sections of the Congress Party who are trying to make a political capital out of the refugees. So far as we are

concerned there are many other matters which we shall use politically against this Government. Does one need the use of refugees for politically blackmailing the Government as the Government tries to make out? No, Sir. Because a Government which cannot give food, shelter and cloth to the people stands condemned—it is condemned by the people generally—and therefore, Sir, I emphatically state here that as far as we are concerned on this side of the House we do not want to make the refugees a political capital and that is why whenever we had an opportunity we took the opportunity to discuss the matter of the refugees with the Ministers, but unfortunately I must say that the Government either has not understood our point of view or having understood has ignored our point of view, because, Sir, as I was saying, despite the fact that different kinds of memoranda have been presented to the Government on behalf of the refugees, the Government today, even the Hon'ble Chief Minister speaking on behalf of the Government did not refer to a single one of these memoranda. On the other hand, he was quoting for our benefit some letters which he had received from some poor unfortunate people whose lands have been occupied by the refugees. But why is it—I was wondering when I was hearing those letters, that the Hon'ble Chief Minister was not reading out to us or not telling us of the letters which he has received from the big landlords many of whom might be his friends. Why is it that he was not reading out letters of people who, I believe, have promised the Government lakhs of rupees for their election campaign in the coming elections, if the refugees are evicted from their lands and they can sell those lands at a greater profit. (Shaik MOHAMAD RAFIQUE: Those are confidential letters.) Yes, those were confidential letters, but those were not read out, but unfortunately for the Government and fortunately for us we know that there are zemindars—the Hon'ble Chief Minister cannot deny it—who have approached the Hon'ble Chief Minister for lands belonging to the big landlords in Dum Dum, in Tollygunge, in Jadavpur and in other places. They have approached the Hon'ble Chief Minister and for what? The landlords come and tell him, "The prices of our land have gone up; we can sell this land". They do not need this land for their family or for feeding their dependants. If it was so, if it belonged to a widow, if it was a person who required that particular piece of land—one *bigha* or two *bighas* or three *bighas* of land—I would be the first person to say—give them compensation or give them back their land, I would ask the Government to do so. But that is not the point. Most of the lands—and I would ask the Hon'ble Minister to give us the figures—most of the lands which have been occupied by the refugees in an unauthorised manner, as the Government says, are lands belonging to the rich people and that is why I think the Government brought this Bill in such a hurry, that I think was the main purpose; otherwise, Sir, I cannot understand—I have thought over the matter—I cannot understand how private property or profit can be more important, can be more urgent than the lives of refugee men, women and children. In the Statement of Objects and Reasons, it is stated that "Even lands acquired for relief and rehabilitation purposes have been trespassed upon upsetting plans for resettlement of refugees". I would like to get the figures of those lands which were there for relief and rehabilitation and which have been occupied by the refugees. It goes on to say, "Taking advantage of the situation other persons who are not *bona fide* refugees have also acted in violation of law and disregard of all private rights in property". So it seems to me that to the Government private property and profit are more important than the lives of the refugees. But at a time when, Sir, the refugees were coming in, when they were

helplessly staying in Sealdah Station, at that time we did not find that the Government were very much concerned with settling the refugees or diverting the refugees from Sealdah Station to other places, whatever places they might be. They waited for some time but they waited in vain. It is only thereafter, when their children were dying, when their women were dying without food, without shelter, without adequate treatment, that they thought that they would go and occupy wherever they found vacant lands, lands which were not being used by other people. The refugees generally did not rush towards the houses like the Burdwan Maharaja's house or the Darbhanga Maharaja's house, which most of the year lie vacant, or towards the Indian Governor's house which also is almost vacant. It goes to the credit of the refugees that they did not do such a thing. They went to lands which were lying there unowned, which nobody was utilising—most of the lands belonged to rich people. At that time Government did not do anything. Now the main purpose which the Government is stating before us is this—I was referring to clause 4, even as amended as it stands. With regard to this I was trying to make out that to the Government profits are more important than anything else. They say that a refugee can pay such compensation as the competent authority may by order determine, etc., then he can settle upon that land which he is at the moment occupying in an unauthorised manner. Now, what does this mean? To me the meaning is clear—as the landlords have approached the Government, the Government have told them "We shall try to give you back your lands so that you can sell those lands at a greater profit". If, Sir, I was told that these lands were required for building hospitals, for building parks for our children, if we were told that they would require them for building schools and colleges and so on, then I could understand, but if I am told that "No, there is no other reason, but private property is sacred, more sacred than human life and therefore you have to give up this land because you have occupied this land in an unauthorised manner", I for one am against this Bill and I should say no private property can be more sacred than human life.

That, Sir, is my chief point as far as criticism of this particular Bill is concerned. Of course, I shall be told that in our Constitution there is such and such a provision for compensation and we are helpless. In this matter I am told that some committee is sitting in Delhi, after the Bihar case which the landlords won in the High Court, to try and change certain provisions with regard to compensation in our Constitution, and so the Government might have waited for that if that at all comes in the way.

Sir, let us take the situation of a war today, would the Government have brought any such Bill. We have experience during the last war, not only in India but in all countries of the world, if the Government required power, within 24 hours they got that power from the legislature or other places and they utilised that power and they infringed upon the special laws which prevailed at that time and I am sure that the Government could have done such a thing if they considered the situation to be so important, but to them 40, 50, 60 lakhs of people's lives are not as important as all that and so we find such legislation being brought in; otherwise emergency legislation and emergency measures would have been brought not only in West Bengal but in other places in India and in Delhi. So I also repudiate the suggestion that was made by the Hon'ble Rai Harendra Nath Chaudhuri that it is the national policy of the India Government to rehabilitate persons and that it is their policy to rescue them from insecurity and anxiety.



I do not know whether sitting in Writers' Buildings or when they go back to their houses, these Hon'ble Ministers meet the refugees, whether they have relations amongst the refugees, I am speaking particularly of the poorer sections of the refugees—I wonder whether they meet them. Otherwise can any one in his senses, if he has any perspective at all, say that they are being rescued from insecurity and anxiety. I would invite the Minister to come with us to the different refugee camps and refugee settlements which the refugees themselves have built up, and they will find here anxiety and panic prevailing among the refugees. That is what you find in parts of Calcutta. Thousands and thousands of refugees, men, women and children—flocking to the meetings not because they are politically minded. Sir, I was invited to a meeting in Jadabpur colony where the refugees live. When I went there I thought that a few hundreds would come to listen to us, but I was surprised to find, Sir, thousands of refugees—men, women and children—people who have no concern with politics, who had to run for their lives from East Bengal, and who are naturally panicky and in fear, and these people came to this meeting because they wanted to hear from us as to what was happening inside the Assembly, and what were the provisions which were being provided in the Bill. I think, Sir, that the Hon'ble Ministers do not know the situation. Sitting in Writers' Buildings in their cool chamber and offices they spend their time. When they go back to their homes and when they recline on their chairs, probably they have no idea as to what is happening outside. Not only that. The refugees are afraid. The rains are coming, the rainy months are approaching very fast, and if within this period provisions of this Bill are sought to be applied and people are evicted by their thousands then the refugees are afraid of what is going to happen. They know this from their past experience; they had this experience once when they came away from East Bengal.

My last point with regard to the provisions of this Bill is this. I personally have been trying to impress upon the Government one simple fact, and that is that the Government not having helped the refugees when they were coming to West Bengal from East Bengal, they helped themselves, and the Government knows that they have set up colonies, innumerable colonies throughout West Bengal where lakhs and lakhs of refugees have somehow or other settled—I do not say, rehabilitated themselves—but somehow or other they have sold all their belongings—especially I am talking of the lower middle-class refugees—they have sold whatever they had in East Bengal and they have built up certain structures where they jostle together and continue to live somehow or other. Not only have they built such structures, but I find on visiting some refugee colonies that they have built up hundreds of shops. I do not know how much they make from those shops, but they have constructed those shops. They have started some trade or business.

The third point is that these refugees who have huddled together, who have built their colonies, they have built up a certain social life, they have even through their own efforts built up schools. Now, Sir, the point that I was going to make, the conclusion that I was going to draw from this particular fact and the point that I was trying to impress upon the Government, if it was understood by the Government, was that if it is so, then they should not be disturbed a second time. They should not be made refugees a second time and evicted from their colonies, and their colonies should not be broken up. That was the main point which I was trying to impress upon the Hon'ble Ministers when I met them. As far as I understood the Hon'ble Ministers and others

present in those meetings appreciated this point and they said that it was not their intention to break up these colonies. It was more or less their intention, if I understood them aright,—I may be corrected, if I am wrong—that most of these colonies which they call refugee colonies will be preserved, and these lands will be acquired by the Government on behalf of the refugees. If it is true, then, Sir, Government must also not only make a statement in this House—that statement has not been forthcoming—but they should make special provisions in this Bill, so that not only their statements but the provisions should also be there, so that even if afterwards the Chief Minister is no longer the Chief Minister, and somebody else comes in, then we can depend upon those provisions. At the moment if I make a charitable interpretation of what the Chief Minister says, then I might say that since the Chief Minister is making such a statement that he is not going to disturb these colonies I might take it that he will not disturb them, but no one knows these days the Chief Minister may have to resign and he may have to go away. (Sj. BIMAL COMAR GHOSE: Why?) So, if some other Minister comes, we might be put into difficulty. That is why I again emphasise this fact. As I was trying to say, if the Government, when it goes in for legislation, has a proper perspective as the Chief Minister would put it, and if it has an idea of the reality outside instead of just talking and discussing with the law officers, then I am sure a better legislation could have been brought forward. But unfortunately he did not have that perspective, he did not have that sense of reality; the Ministers did not visit the refugee camps; they did not talk with these people who are settled in the colonies—these people who have sold whatever little property they had, and with that money they have constructed their houses or their shops and carrying on some sort of business.

Now, Sir, let us take the provision under clause 4. If they are rich people they will pay compensation, they will be welcomed and settled on the land. If they are not rich—the vast majority or 99·9 per cent. are not rich people, then they will be removed from such land if they cannot pay compensation, and taken to other places probably. It means in effect that the present colonies will be disturbed. For the second time refugees will be told: "Once more you will have to be on the move. So please get out from these colonies. The rains are coming". The Chief Minister says that he is in a hurry, and the Hon'ble Rai Harendra Nath Chaudhuri, Member in charge of the Bill, is also in a hurry to give this charter of rehabilitation to the refugees. But let us not see after two months that this charter of the refugees leads the refugees into mud and filth, because the rains are coming, and they would probably be asked to settle on lands far away—I do not know where, because the Government has not told us. That is why I do not think that this particular clause, clause 4, even as amended can be acceptable to me.

Another legal point has been raised, and I feel I must answer that, because that is raised at all times. I think the Chief Minister said "We cannot tolerate a situation where the refugees come and occupy other people's lands. We must maintain law and order, because the Constitution has given us the freedom to possess property". Quite true. I am, however, not in agreement with the Constitution where it gives that right. But again, Sir, I say that as far as the Constitution goes, we have found that the West Bengal Government did not in the least hesitate to act against the Constitution where the freedom of association was concerned. As you know, Sir, for the last two years the Communist Party of India in West Bengal has been banned, although the Constitution gives us the right to form an association as we like, but

the West Bengal Government acted against the Constitution. Now, Sir, when they are in a difficulty, and the Communist Party has been made legal by a judgment of the High Court they have—and you take it from me that it is correct—sent an application to the India Government to amend this particular section of the Constitution. The Constitution gives us the right of freedom of association. But as far as the refugees are concerned, where is this consideration of the Government? They talk about the Constitution, they violate the Constitution whenever and as they please, but as far as the refugees are concerned they are very much concerned about the sanctity of the Constitution; and we shall have other occasions to show how in every aspect of our life this Government is violating the Constitution and this Government is not maintaining law and order. This is not the way of maintaining law and order.

If you give first preference to private property, private rights in land and not to the lives of the refugees, I am afraid, Government will agree with me that you cannot maintain law and order thereby. Therefore, Sir, I again lay emphasis on this point that even at this stage we should, if possible, sit together once again and see whether further changes can be made. Dr. Ghosh has also appealed to the Chief Minister and to other Hon'ble Ministers and I also appeal to them whether it is possible once again to reconsider the clause. If what the Government say about their intention is correct then I am sure they will not hesitate to sit with us and others who have been complaining on this side of the House that their interests have been trampled upon as far as this Bill is concerned, I mean the Muslim members of this House. They should be consulted as also we who have been talking generally about this Bill and then the Bill may be finalised on Monday or Tuesday next, when the Chief Minister comes back from Delhi after meeting the Working Committee of the Congress. I think, Sir, we would then be in a better position to deal with this Bill so also the Chief Minister coming back from Delhi. That is my last appeal to this Government ~~and unless this is done I am afraid that it would not be quite an easy, just an administration affair, to get rid of the refugees from their colonies.~~ It would be difficult, Sir, because they have travelled hundreds of miles from across the border, whose mental bearing and mental condition is not normal. They have themselves built their own houses and I do not think they will accept Government Tribunals, etc. They will not go out of their lands on which they have built their houses unless they are absolutely sure that something is being done to accommodate them.

I would, however, make one exception where the refugees can be asked to move from the land where they have settled themselves, if the land is required for a public purpose or say if there is a scheme to build a hospital on that land and I believe that the refugees themselves would be willing to vacate such lands but I am sure that the refugees will not give away the lands if they are private property and are required for private purposes. Why should we bother ourselves about such people as to how much money some particular landlord will make by selling this land which was lying there unused before being settled on by the refugees because the price of land has gone up? Why should we take an interest in such cases, I do not know. The refugees are not interested in such cases; neither are we interested. If the Government is interested in such persons I would ask them to pay them the consideration or the price or compensation whatever it is, if they can and if they cannot pay such sums to change the provisions of the Constitution. But we are more concerned with the lives of the refugees and therefore, Sir, I should again emphasise this point that neither the Government nor

anybody else, no person belonging to any party or people belonging to no party in his sense should make political capital out of the condition of the refugees. We are all concerned to see that this is settled properly and our only complaint is, that the Government is responsible for this state of affairs, and that partition of this province is responsible for this state of affairs. So now Government has to compensate for that and they must give the refugees the lands on which they are settled wherever it be. If it is not possible under those particular conditions that I have mentioned then they must be given alternative land where they shall be able to carry on their occupation as before. Along those lines I have suggested a short-notice amendment. I hope it would be accepted by Government or at least they would sit with us and discuss the matter once again and not rush through this legislation.

**Dr. SURESH CHANDRA BANERJI :** মাননীয় শ্রীকান্ত মহোদয়, আজ ভেবেছিলাম প্রাণন মন্ত্রী ও যে মন্ত্রী মহোদয় এই বিলটি পরিষদে উপস্থাপন করেছেন তাঁদের ধন্যবাদ দিয়ে আমার বক্তব্য শেষ করব। কিন্তু তা সম্ভব হ'ল না। Hon'ble Rai Harendra Chaudhuri মহাশয় has come to-day with a fighting mood. Fighting spirit নিয়ে এসেছেন বলে তিনি একটা fighting speech করেছেন। কেন তিনি এই fighting speech করলেন তা বুঝতে এক মিনিটও দেরী হয় না, কারণ he has got a guilty conscience. আমি এবং ডাক্তার ঘোষ যে সমস্ত amendment দিয়েছিলাম তার কতকগুলি তিনি গ্রহণ করেছেন। যেমন বিলটির নাম আমরা পরিবর্তন করতে বলেছিলাম এবং আমাদের amendment অনুসারে বিলটির নাম পরিবর্তিত হয়েছে। যেমন bona fide refugees ভারগায় displaced personএর নতুন সংজ্ঞা করতে চেয়েছিলাম এবং আমাদের সেই amendment গৃহীত হয়েছে। Competent authority সম্বন্ধে গভর্নমেন্টের পক্ষ থেকে বলা হয়েছিল যে State Government কর্তৃক নিযুক্ত যে কোন ব্যক্তিই competent authority হইতে পারিবে কিন্তু আমরা সেখানে amendment দিয়ে বলেছিলাম যে কোনও Session Judgeকে competent authorityরূপে appointment করতে হবে। আমাদের সেই amendment স্বীকৃত হয়েছে। আমরা section (3)তে বলেছিলাম কোন কারণেই force apply করা চলবে না এবং গভর্নমেন্টের পক্ষ থেকে তাও স্বীকৃত হয়েছে। এই ধরনের আরও ছোট-খাট কয়েকটি সংশোধনী প্রস্তাব স্বীকৃত হয়েছে। কিন্তু দুঃখের বিষয়, এই সব স্বীকার করে তাঁরা হয়তো ভাবলেন সবইত দেওয়া হ'ল—অতএব what have been given by one hand must be taken by another.

Section (4) হচ্ছে সবচেয়ে important clause of the Bill. কারণ এই clauseএ refugeeদের rehabilitation করা ও সহজে evict না করারই কথা বলা হয়েছে। Original যে বিল, যার বিরুদ্ধে আমরা এতদিন প্রতিবাদ করেছি, যাকে আমরা Black Bill বলেছি—তাতে ছিল বতর্কণ পর্য্যন্ত না একজন displaced personকে alternative land offer করা হবে ততর্কণ পর্য্যন্ত তাকে, তার দখলীকৃত জমি থেকে তড়ান হবে না—whatever may be in clause (3) তাতে আপত্তি জানিয়ে আমি এবং ডাক্তার ঘোষ উভয়ে বলেছিলাম land should be offered in the vicinity of the land where the displaced person is at present.

এই যে amendment দিয়েছিলাম তা সেওয়ার দুটা কারণ ছিল। প্রথম কারণ হচ্ছে, আমাদের ইচ্ছা ছিল বতসুর সমস্ত গভর্নমেন্টের সঙ্গে নিলে নিলে কাজ করা। We had no fighting spirit.

আসল কথা হচ্ছে এই যে, যে সমস্ত refugee এসে কলোনী গঠন করেছে তাদের মধ্যে একটা সামাজিক জীবন গড়ে উঠেছে—তারা নিকটবর্তী কোন জায়গায় হয়তো চাকরী-বাকরীর ব্যবস্থা করেছে, দুল, কলেক্স, পোকান, ভান্ডারখানা স্থাপন করেছে। সুতরাং এটা স্বাভাবিক, যে তাদের যদি সেখান থেকে হটান হয়, তাহলে তাদের in the vicinity নিকটবর্তী জায়গাতে পাঠাতে হয়, বাস্তব তাদের সামাজিক পরিবেশ ও আর্থিক

ব্যবস্থা ব্যাহত না হয়। এই সমস্ত কথা আমরা পুরান বস্তীর নিকটও বলেছিলাম। আমরা যে তবু বলেছিলাম তা নয়; ডাক্তার রায়ও সাংবাদিক সম্মেলনে বলেছিলেন যে refugee-দের এরূপ alternate land offer করা হবে বা should be as close as possible to the original land.

আমাদের amendment এবং ডাক্তার রায়ের মুখনিঃসৃত বাণীর “as close as” or “in the vicinity of” এই দুইটির মধ্যে কি যে পার্থক্য তা বোঝা শক্ত।

Dr. Roy বিচক্ষণ ব্যক্তি তিনি আমাদের কথা বুঝে নিয়েছিলেন। তাই তিনি বললেন—তাই, তাই হবে, একটা draft করে ঠিক করে দেব। ঠিক করে তিনি দিলেন। এবং সেই draft তিনি দিয়েছিলেন আমার হাতে ২রা এপ্রিল in this Assembly House at 4 p.m. আমি আগেই বলেছি আমরা নতুন কিছু করতে চাই না। যতখানি তিনি দিতে রাষ্ট্রী হয়েছিলেন ততটুকুই আমরা চাই। হরেন বাবু may be in a fighting mood but we are not.

Dr. Roy যে কথা বলেছিলেন, সেই কথা উদ্ধৃত করেই amendment দেওয়া হয়েছে। আমরা নতুন করে কিছু add করিনি। যদি কিছু add করে থাকি তাহলে আপনারা বলুন। Dr. Roy তিনি নিজের type করা এক copy আমার হাতে দিয়েছিলেন 2nd April, 1951, in this Assembly, এবং তিনি বলেছিলেন যে amendment দেব, সেটা এই হবে।

“Section 4.—Notwithstanding anything contained in section 3, a displaced person who on the 31st day of December, 1950, was in unauthorised occupation of any land shall as hereinafter provided be permitted to remain on payment of such consideration periodically or otherwise as the Competent Authority may by order decide.” It is further provided that the Government of West Bengal shall acquire the land. “If, however, in the opinion of the Government of West Bengal it is not possible to acquire the land, then the occupation of such land by such displaced person shall not be disturbed until Government provides such displaced person with a land or a house which in the opinion of the Competent Authority is suitable and convenient to such person and is in an area which will enable him to carry on conveniently such occupation as he may be engaged in for earning his livelihood which he was doing at the time of the order. On such accommodation being provided he shall vacate the land which he was originally occupying.”

এই ছিল। এবং এইটাই Dr. Roy's draft যেটা তিনি আমাকে দিয়েছিলেন in this Assembly House at 4 p.m. on the 2nd April. এবং যে amendment আমি দিয়েছি তা এর সঙ্গে হুবহু এক। কাজে কাজেই এতে গভর্নমেন্টের কোন আপত্তি থাকা উচিত নয়। (Sj. DEBENDRA NATH SEN : এক কাগজে দিয়েছিলেন \*)। গভর্নমেন্টের কোন বক্তৃতি আপত্তি করা উচিত নয়। কিন্তু গভর্নমেন্ট এখন যা করছেন তা আগের চেয়েও খারাপ হয়েছে। Original Bill-এর section (4) যা ছিল, এবং বর্তমান clause (f) Government Chief Whip যে আকারে এনেছেন এদের মধ্যে আকাশপাতাল পার্থক্য। কেন না এতে double eviction-এর ব্যবস্থা করা হয়েছে। আগে যে clause (f) ছিল তাতে বলা হয়েছিল until তাকে alternate land দেওয়া হচ্ছে ততক্ষণ পর্যন্ত তাকে evict করা যাবে না, কিন্তু এখন বলা হচ্ছে alternate land না দিয়েও তাকে evict করা যাবে। যদি সে compensation না দিতে পারে তাহলেও তাকে evict করা যাবে। সুতরাং আগে ছিল one eviction এখন নতুন clause-এ হয়েছে double eviction.

তাই বলছিলাম হরেন বাবু is in a fighting mood কেন না he has a guilty conscience. What is conceded in one way is being taken away by the back door. He is a lawyer. জেনেগুনেই তিনি এই সাংবাদিক clause এনেছেন। একারণেই তিনি fighting mood-এ, আমরা fighting mood-এ নই। Dr. Roy is a reasonable man. কাজেই Press conference-এ তিনি যে সমস্ত reasonable কথা বলেছিলেন তার আমি পুনরায় উল্লেখ করছি। তিনি বলেছিলেন বস্তুর সমস্ত যে এখন বেই জায়গার আছে তাকে সেইখানেই রাখবার ব্যবস্থা করা হবে। যদি

নূতন জায়গার বা বাড়ীতে নিয়ে বাঙালীর প্রয়োজন হয়, তাহলে বর্তমান জায়গার নিকটেই সে বন্দোবস্ত করতে হবে যাতে তার আর্থিক বা অন্য কোন অসুবিধা না হয়। এমন জায়গা হওয়া সরকার যেখানে গিয়ে সে ভালভাবে বাস করতে পারে which in the opinion of the competent authority is suitable and convenient to him—যে কোন বাড়ী তাদের দেবিরে দিলে হবে না। একটা damp, dark, ব্যালেরিয়ারপ্রস্তুত জায়গা দেবিরে দিলে হবে না। সুতরাং সেই যে clause whether convenient or inconvenient does not matter. অতএব যে নূতন clause—this is wholly unacceptable to us. The original Bill was called Black Bill for two reasons. সেই বিলে এক কারণে eviction-এর ব্যবস্থা ছিল কিন্তু বর্তমানে দুই কারণে eviction করার ব্যবস্থা করা হয়েছে। আগে ছিল বতকর্ণ পর্যন্ত না তাদের alternate land দেওয়া যাচ্ছে ততক্ষণ পর্যন্ত তাদের evict করা যাবে না। কিন্তু এখন বন্ধ হইলে তাদের alternate land দেওয়ার আগেও evict করা যেতে পারবে। If he cannot pay the compensation তাহলেও তাকে evict করা যাবে। Dr. Roy যে draft দিয়েছিলেন তাতে compensation-এর কথা ছিল না, শুধু consideration-এর কথা বলা হয়েছিল। আমি তখন বলেছিলাম it is not compensation. কাজে কাজেই এই যে নূতন clause এসেছে that clause is wholly unacceptable to us. It has made the situations very bad. এবং এই জন্যই আমি হরেন বাবুকে বলেছিলাম he has come with a fighting mood.

আমি তাই গভর্ণমেন্টকে অনুরোধ করছি Dr. Roy নিজে যে কথা বলেছিলেন সেই কথা অনুযায়ী কাজ করুন, এবং তাহলে আমাদের আর কোন আপত্তির কারণ থাকবে না। We are agreeable provided Dr. Roy agrees to do as he has promised to do.

এই কথা বলে আমি আমার বক্তব্য শেষ করছি।

**SJ. SIBNATH BANERJEE:** Sir, I was wondering why this Bill was at all brought because after having passed the other Bill as a result of the Nehru-Liaquat Ali Pact, they have eaten more than they can chew. ~~The~~ There are not less than 500,000 refugees on lands belonging to Muslims. That means at least 100,000 plots of land have to be found and quarters have to be constructed before they can be rehabilitated.

**Mr. SPEAKER:** Mr. Banerjee, please resume your speech after the recess. The House now stands adjourned for fifteen minutes.

(The House was then adjourned for fifteen minutes).

(After adjournment.)

**SJ. SIBNATH BANERJEE:** Mr. Speaker, Sir, I was explaining that it was very difficult for me to understand why the Government brought this Bill at this stage. I was saying that after having passed the other Bill as a result of the Nehru-Liaquat Ali Pact not less than 500,000 people have to be found land and dwelling but nothing has been done so far and just at this moment when the rains are coming what was the urgency of bringing this Bill which meant eviction of—I do not know how many—may be 10 lakhs or 20 lakhs of people. It may be only because the vested interests, the land-owners, brought pressure upon this Government. Today in this House the Hon'ble Minister in charge says that it is a charter of liberty for the refugees, but the word "rehabilitation" was altogether forgotten and it was only "eviction" and in righteous indignation he says that and even then he wants to maintain that it is a charter of liberty for the refugees.

In the Statement of Objects and Reasons, it is clearly stated "Even lands acquired for relief and rehabilitation purposes have been trespassed

upon upsetting plans for resettlement of refugees. Taking advantage of the situation other persons who are not *bona fide* refugees have also acted in violation of law and disregard of all private rights in property". That is the key to the whole problem. The sanctity of private property was violated and the Hon'ble Minister of this Bill and those who are dictated to by the vested interests could not tolerate it. Therefore the Bill was brought, but the refugees are rather hard nuts to crack. They organised and started resisting and the Minister retreated and this is the first victory of the organised refugees. (The Hon'ble BHUPATI MAZUMDAR. What a victory!) It is a victory and if the Ministers were not really petty they would have recognised it as the Hon'ble Chief Minister has recognised it. The Chief Minister was honest enough to say that he was stooping down but was stooping to conquer the refugee problem. We appreciated this but not when you are trying to exasperate them, to oust them in the rains and drive them in the mud and filth. You come and say it is a charter of liberty! Under pressure from the masses, from the refugees and other public opinion all that you have done is to try to cover yourself with a sheep-skin but the wolf underneath is visible. It is visible in the Statement of Objects and Reasons that is laid down. Not only that, but in every single instance which was pointed out by Dr. Banerji there has been an attempt to retreat from the position that has been accepted by the Hon'ble Chief Minister. For great decisions big men are necessary and there was a grand and unique opportunity for the Minister in charge and the whole Ministry to rise up to the occasion and rally. Instead of Eviction Bill that they wanted to fashion they had to bring a Bill which would mean rehabilitation. Of course, one could not expect that from this Ministry, but at the same time they should not take recourse to hypocrisy and try to say that it is a Bill—

**MR. SPEAKER:** You should not use the word "hypocrisy".

**SJ. SIBNATH BANERJEE:** All right, Sir, this hypocritical attitude. While you mean eviction you say, no, it is a charter of liberty. The question is whether it is eviction or it is rehabilitation. The Minister in charge wanted eviction; I do not know what the Hon'ble Chief Minister, Dr. Roy, wanted but he has at least conceded that he wants rehabilitation and he could come forward and recognise the colonies and say, where you are you will remain there. He says that with a good deal of caution. He says that "this is my own view; if I were there I would do like this". That is neither here nor there. He did not speak as Hon'ble Chief Minister; he spoke as Dr. Roy and that is less than sufficient. As others have demanded there must be provision in the Bill and if as Chief Minister he says something, that has weight, but he spoke as himself and not as Chief Minister. Therefore we find a lot of difference between what the Chief Minister said and the attitude of the other members, at least the Member in charge of the Bill. He should have recognised the colonies and allowed the displaced persons to continue to live where they had rehabilitated themselves on any reasonable payment. But that has not been done, that point has been left vague though it was agreed to by Dr. Roy. Later on when section 4 has been framed it is very difficult to understand what is meant—if you pay compensation or consideration, whether you will be allowed to stay; if you do not pay whether you will be evicted immediately and whether alternative land which is being promised will be given under such circumstances. Therefore, section 4 as now framed, as Dr. Banerji has said, is not at all acceptable to us. It is true that the original Bill as it was has been changed, and many of the most objectionable features

have been removed. But, Sir, I would quote a few instances—I won't take much time of the House. As regards the name Dr. Roy agreed—it is in the newspapers and I was present during the discussion excepting today, but what appeared in the newspapers on the 2nd April as a result of the statement that he made to the press—it was agreed that the Bill will be called the "Rehabilitation of Displaced Persons and Eviction of Other Persons in Unauthorised Occupation of Land Bill". I want to make the position clear. As the Opposition wanted, it was agreed that those who have got lands or houses elsewhere—in Calcutta or anywhere else in India, if they pose as refugees, they should be treated as *mala fide* refugees and they should be evicted. Now, if the name, as agreed upon by Dr. Roy had remained, the meaning would have been clear, namely, other persons in unauthorised occupation will be evicted and the rest will be rehabilitated. But after having agreed to in the amendment that has been circulated in the name of Sri Sushil Banerjee that has gone. Then in the statement Dr. Roy has agreed to have "land or house", but now "house" has gone and only "land" remains. Of course, it has been sought to be conveyed that "land" includes building, but that is a very vague thing. Land will not include building if it is not made clear. "Land or house" would be much better. But it is in the statement and I do not know why it has been dropped later on. Then also who are those families? This was an agreed thing, but the family has been sidetracked. If a family remained in East Bengal and the man was serving here, as it now stands, he would not be entitled to any relief, he would not be a *bona fide* refugee. The point had been considered by Dr. Roy, but I do not know why he had to retreat from that position. Then another major question is before us. This Government should have been grateful to the refugees who have rehabilitated themselves. If for 20 lakhs of people they had to spend only Re. 1 or even eight annas a day, then they would have to spend Rs. 10 lakhs a day which they had a right to expect from this Government. If these 20 lakhs of people instead of squatting in the waste land or in the garden house unused, if they have been squatting in Wellington Square or somewhere else or in the zemindaries of the zemindar members of the Cabinet, then I think they would have gone mad. I would congratulate them for not having done so. Therefore this Cabinet should be grateful to them. They have tried to rehabilitate themselves where it is least objectionable, where it harms the public least. Instead of welcoming them, they want to displace them and also they want the refugees to pay compensation to the landlords for the period—last three years or two years or so—they have been there. Why? If any compensation or consideration or damage has to be paid, it is to be paid by Government. Government is bound to give them shelter, give them food, give them land and give them jobs. Therefore for paying any damage, compensation, or consideration for rehabilitating themselves up to today, the responsibility is not theirs; they should not be charged a single pie. It was the responsibility of the Government to rehabilitate them and they have failed. If any compensation is to be given, it is to be given to the refugees and not for the refugees to pay compensation either to Government or to the land-owners.

I do not understand the difficulty about rehabilitation which Dr. Roy has pointed out by reading two letters. You acquire all the land and there is no difficulty about it. I can understand the difficulty which my friend Janab Khuda Bukhsh pointed out to this House. If the small owners are in difficulty, then certainly their lands should be evacuated and the original owners must be rehabilitated. For rehabilitating one person another person should not be made homeless or shelterless. That



is a very simple principle, but I would like to request Mr. Khuda Bukhsh not to look at it from the communal angle, but from the class angle. I have given an amendment that if anybody has got less than two *bighas* of land—*২ বিঘা কমি*—in the words of poet Rabindra Nath, only he is to be compensated. If anybody possesses more lands, there is no reason why he should be compensated. His lands should be requisitioned or acquired by Government. If the owner of such lands be a Muslim, he should not get advantage over a Hindu owner simply because he happens to be a Muslim, because we can understand class division but not communal division. Such lands should either be confiscated or acquired; confiscation is a thing which is, of course, unthinkable to this Government, but that is our demand and in this provision what has been done is that the illegal gratification which these owners of land can have by evicting the refugees, that is being stopped. Otherwise they will get their full compensation. We had demanded that the price should be given at 1939 level, that is, the price which was prevailing in 1939 should be given to the land-owners. We were even prepared to offer the price which was obtainable even in 1946 before the first exodus started, but here nothing is mentioned. If anybody who would not dispose of his land at such a price could be hauled up before the High Court or for a mandamus, that would have been better, but that cannot be done, because the Constitution is against us. But, I say, Sir, that the Constitution is being violated. It is an admitted fact that for the last two years or three years Government have violated the Constitution. Where was the Constitution for these two years and a half? If now the Constitution is a little bit bypassed or a little bit twisted, I think heaven will not fall on all of us.

Sir, I have already referred to that section which was referred to by Mr. Khuda Bukhsh. About that we should not make any special case as against others. The same rule should apply to all, but certainly those who believe in social justice, those who believe in a new order of society, they cannot be silent when one section, and the poorer section, of people are being oppressed. From this side of the House time and again protest has been raised and today also we have been raising a voice of protest that if by the ordinary law one section is affected adversely, they should be looked into but that does not mean that any special consideration has to be made for any particular community or section. Sir, I have said and I repeat with all the emphasis at my command that there should be a class distinction, class differentiation. The rich people should be classed and treated in a different way and the mass people—99 per cent. of the population—should be treated in a different way. For other reasons as well as from the point of view of humanity—greatest good for the greatest number—and on that old principle, we do demand that their grievances should be looked into and they should not be harassed or oppressed because of the situation. If any relief is to be given, it is to be given to the poorest people.

Sir, much has been said about the legality or illegality of the question. I am glad, Sir, that the Hon'ble the Chief Minister himself made it clear that these people did not on their own accord come over here but were forced by circumstances over which they had no control. The members sitting on the other side might have some responsibility in the matter as they conspired against them and when they have come away the responsibility of rehabilitating them is entirely with the Government and they cannot disown or shirk the responsibility. After all what is law. Today you may pass a law and say that trespassing is illegal, as you have been saying from your housetop, tomorrow you may say that

it is not illegal. These refugees may be occupying some lands and they should have been made the possessors of these lands but you now say that it is illegal. In the eye of law it might be illegal, but it is not unjust and unfair to drive them away from those lands? This Government has treated the refugees very unfairly and unjustly. You can change the law. The House is here to change the law. We should only see whether what they are doing is fair and equitable. That is the primary consideration and that is the fundamental consideration which should move us. The law which exists today can be repealed tomorrow and reimposed in a different manner day after tomorrow. The proposal of the Government is for rehabilitation. Eviction was the original idea. They have changed their original idea due to mass awakening. But still we find that the land is not being given to them. The refugees are now being told that lands would be sold to them at market rates and that also is not in the Bill but this will be done under the rule-making power of Government under this Act. The price of the lands will be payable in 40 years which means a person will be bound by a bond for 40 years to pay the fancy price of a land in which he has been rehabilitated. Today the refugee has to please the police, tomorrow he will have to please the competent authority or the incompetent authority to fix the price but where is the true rehabilitation we are talking of? You are not giving the refugees land at 1939-price or at 1946-price even. You are only boasting. It is all moonshine. Your rehabilitation idea is in your mind, in the mind of the Hon'ble Minister in charge of the Bill. Whatever has been done has been done under pressure of circumstances. Whatever amendments have been accepted have been accepted to allow a smooth passage of the Bill. The assurance given by the Hon'ble the Chief Minister was published in the newspapers but we now find that that assurance does not exist, that agreement has been broken. The Chief Minister has tried to explain away that by saying that there must be a legal form but where is the difficulty in putting the word "others"—those who are *mala fide* refugees. Similarly, lands or houses could have been mentioned there. In regard to that I think there was no legal difficulty. Again there was some agreement but I do not know what domestic disagreement arose among the Hon'ble Ministers that the Chief Minister had to retreat. That is the unfortunate position. Therefore when you say that this Bill is for rehabilitation, it is not true.

As regards the laws, I would like to mention with all humility that under the leadership of the Father of the Nation, we have been taught how to break lawless laws and if need be we would break laws again. Therefore the question of legal form and other shibboleths are too late in the day. To us life is more precious than the legal forms, etc. The refugees are trying to get shelter wherever they can and now the question of legality or illegality or unauthorised occupation, etc., is simply begging the question. Now, Sir, where is the authority of the zemindars who have in their possession 500 *bighas* of land? I maintain that they are in unauthorised occupation of those lands but the majority here will not agree with me, but so long as the masses do not force this view on this House it will be of no avail. Sir, these zemindars are in possession of 500 *bighas* of lands and these refugees are lying on the footpaths or in the Howrah Station or Sealdah Station. This is a very inequitable position and this must be removed. It must be admitted that some improvements have been made and we appreciate that but in other matters specially with reference to sections 3 and 4, there has been no improvement as has been pointed out by Dr. Suresh Chandra Banerji. The agreements so far have been all unilateral and therefore there is no normal binding on us as regards those agreements. In spite

of our warnings and persuasions they are not making any improvement in this Bill. Now, Sir, if logic and reason do not appeal to this Government then pressure which only this Government understands will have to be applied and then perhaps they will change their attitude. They have been impervious so long to the mass awakening, to the public opinion, but now we find that good sense is dawning upon them and we now think that they cannot flout the public opinion for all time. They thought that they were impervious to all public opinion and public pressure, but at last good sense is now dawning on them. But I am giving them a warning that if they do not listen to reason and if they pursue this Bill as it has been presented before us, then it will be time for us to develop the sanction and to bring up refugee matter into politics. After all, life is life, and these people must live. In 1943, 50 lakhs or 30 lakhs of people died of starvation. That is a shameful story for this province; and this matter of the refugees is going to be another shameful story like that. But, Sir, we shall not allow it to happen; we shall resist, and resist with all our force.

Then, Sir, another point I would like to make is that lots of amendments have come and we have given short-notice amendments, but I find that Mr. Sushil Kumar Banerjee has given many more. While listening to the speeches of different honourable members of this House, I find that it is impossible for people like me to apply our mind to the amendments. I would appeal to you, Sir, that after the general discussion on the consideration motion is over, the discussion on clauses be left over till tomorrow so that we can apply our mind better, and it will be useful to the Government also because many of the last moment amendments would not be found to be necessary and it would remove many anomalies and lacunae which might cause them to go to the High Court and lose their case.

Therefore, Sir, I would appeal, through you, to the Leader of the House to close the discussion today after the consideration motion<sup>is</sup> passed.

**SJ. JYOTI BASU:** Sir, the Minister is not listening.

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** I am listening.

**SJ. SIBNATH BANERJEE:** Sir, if the Government is for a compromise, I would make a final appeal to the Leader of the House to give us time to consider the amendments. Some of them may be very good, but sections 3 and 4 require a thorough overhauling, and I believe some very definite and specific mention of persons displaced from Howrah, Park Circus, Kankinara and Metiabruz has got to be made.

With these words, Sir, I finish.

**Mr. JASIMUDDIN AHMED :** নতুন জিনিষ দেখছি যে তাঁরা তাঁদের পৰৱৰ্ত্তে সাৰ্বক একঙয়েৰী একটু একটু ক'ৰে ছাড়তে প্ৰস্তুত হ'লেছন। যেটা Government ক'ৰতে চায়, তাতে অপর পক্ষ থেকে বা অন্য কোন দিক থেকে, অন্য কোন ভাল প্ৰস্তাব এলে সেটা তাঁদের একঙয়েৰীতে বাঁধত তাঁরা ত কখনও গ্ৰহণ ক'ৰতেন না। কিন্তু আজ এই বিল যে আকারে এসেছে, তার মধ্যে নতুন প্ৰস্তাব কিছু গ্ৰহণ করার জন্য Government-এর এই যে হাড়ির পরিবর্তন হ'য়েছে, আমি সেজন্য তাঁদের অভিনন্দন জানাচ্ছি। আরও একটা নতুন জিনিষ দেখছি এই যে, আগে যখন কোন বিল Assemblyর সামনে আনা হ'ত, তখন সেই বিলটা নিয়ে যে আলোচনা হ'ত, তত্বে Assemblyর বাইরে কার সন্ধে কি বশোবত্ত হ'য়েছে বা কি agreement হ'য়েছে বা কোন্ ধারাটা কি কারণে বদলান হ'য়েছে আবার Assemblyর অভিজ্ঞতার মধ্যে দেখি নাই যে, এখানে বিলের আলোচনার সময় সেই সব বাহিরের বিষয় উল্লিখিত হ'য়েছে। আমি নতুন আরও দেখছি এই যে, এই বিলটা উপাশন ক'রেই সন্ধে সন্ধেই জর সরকারী amendment নিয়েই

বিলটাকে সামনে আনা হ'য়েছে। শ্রমজ আশ্রয় যখন বিলটা দেখি তখন সেটা ছিল Eviction Bill কিন্তু এখন ভাবি যে, পরিবর্তিত আকারে কবে নাকি বিলটা এখানে আসবে, বিলের উত্থাপক তার উদ্দেশ্য ক'রেছেন। শ্রমীল মুখার্জি মহাশয় Government-এর লোক কিনা তা কে জানে? বিলের আলোচনার সময় তাঁকে সংশোধনের কার্যে রাখতে নাকি ওঁরা প্রস্তুত নন। আলোচনায় তিনি সাধারণ সভামাত্র, যদিও তিনি Parliamentary Secretary তাঁর amendment কবে করবেন জানি না, তবে যদি করেন সেটা বিলের প্রস্তাবক সরকারের পক্ষে অনেক বাহাদুরির কথা, পৌষ্টবের কথা, অনেক সম্মানের কথা; উত্থাপক এই সব যে আলোচনা করেছেন, এই জিনিষটা আমরা নূতন দেখছি। Government যে প্রস্তাবই পরে আনুন না কেন, বিলটাকে যেভাবে ছেপে বা'র করা হয়েছে, এবং যেভাবে publish করা হয়েছিল সেইটাই আমাদের বিবেচ্য, যাত্রা সেইটাই এখন আমাদের সামনে রয়েছে। সেইটা ছাড়া বাইরের কোন আলোচনার কথা তোলা বোধ হয় এখন শোভনও নয়, সম্ভবও নয় বরং তাহা আইনবহির্ভূত ব'লেই মনে করি। শ্রমীল মুখার্জি মহাশয়কে ভগবান বাঁচিয়ে রাখুন, সেদিন পর্যন্ত বেঁচে নাও থাকতে পারেন, হয়তো তাঁর মতিগতিরও পরিবর্তন হতে পারে, হয়তো ডানদিক ছেড়ে বাঁদিকেরও এসে পড়তে পারেন, (Sj. SIBNATH BANERJI : না, সে আশা নাই।) সে আশা আছে বৈকি। এঁতো ডানদিকের পাকা পাকা থান বাঁদিকের এসেছেন, দেখছি। যা নূতন দেখছি এবং বেরকম নূতনের আভাস পাচ্ছি তাতে সবই সম্ভব, আপনারা হতাশ হবেন না, আশা করত থাকুন, জয়লাভ হতেও পারে। এখন কথা হচ্ছে শ্রমের বাবুদের পর বিধান মন্ত্রিসভা হয়েছে। আগে তাঁদের অনেক ক্ষতিপাঠ হয়েছে, এখন আবার বর্তমান মন্ত্রিসভার ক্ষতিপাঠ চলছে, তাঁরা দাঁত দেখাচ্ছেন, কামড় দেখাচ্ছেন। হরেনবাবুর উপরই যত পোষ, নশ পোষ। শ্রমের বাবুর কামড়ও আমরা দেখছি ওখানে থাকতে, বিশেষতঃ বল্লীর কংগ্রেসের সভাপতিরূপে। (A VOICE FROM THE GOVERNMENT BENCHES : কাজের কথাটা বলুন।) অপ্রাসঙ্গিক কথাই যখন এতগের ধারা তখন অপ্রাসঙ্গিক কথাও বলতে হয়। দেখছি ভাগ্যক্রমে কতিপয় মুসলমানকে ওদিকে বসতে; তাঁদের আমি অভিনন্দিত করছি। এটা কয়েকদিন আগেও হতে পারত, কিন্তু কারও কারও একগুঁয়েমীর জন্য এটা সম্ভব হয় নাই। ভগবান করুন সকলের মঙ্গল হোক, সমস্তের মঙ্গল হওয়ার মধ্যে আইন ও শৃংখলার একটা দিক রয়েছে। কিন্তু যদি আইনের পাতায় পাতায় যে-আইনী হয়, তার পরিণাম যে কি হবে, সে বিষয়ে আমার খুব সন্দেহ নাই। এই আইনের সম্বন্ধে যারা সন্দেহ হতে পারেন নি, তাঁদের সম্বন্ধে বলা হয়েছে যে তাঁদের মনু ভাল নয়; কিন্তু বাস্তবিক মনু ভাল নয় তাঁদেরই, যারা ভিন্ন ভিন্ন হয়ে এদিক ওদিক ঘুরে বেড়াচ্ছেন, তাঁদের মনের অবস্থা ঠিক থাকতে পারে না। আমরা একদিকে minority সংশালবু। Minorityর অর্থ যদি “নাবালক” আর majorityর অর্থ যদি “সাবালক” হয় তাহ'লে আমরা নাবালক। যে জাতির নামে, ধর্মের নামে, আমরা এখানে আছি নাবালক হ'য়ে, তার ঋনিকটা জায়গা এগুতে পারলেই, সাবালক হ'য়ে যাব। কিন্তু জায়গার পরিবর্তন হচ্ছে সেইটা মনে রাখবার অভাবে।

আজ refugee নিয়ে যে একটা problem বা সমস্যা দেখা দিয়েছে, সেটা ঝালি দেশেরই নয়, মানবজাতির problem। যত ভাল জায়গায়ই তাদের বসান হোক না কেন, তাদের পূর্বাবস্থার আশা একরকম অসম্ভব। General clausesএর অনেক জায়গায় সেটা দেখছি, কিন্তু যাদের ঘরবাড়ী থেকে বেরখল করা হয়েছে তাদের land সব বেন পরিষ্কার হয়। অনেক জায়গায় দেখছি--খারাপ হয়ে আছে--ঘরবাড়ী অনেক পড়া, অনেক ভাঙ্গা। যখন পরিষ্কার হচ্ছে তখন general clauses বা অন্য কোন কিছু দেখবার প্রয়োজন নাই। ছোট ছোট land বোধ হয় পরিষ্কার হবে না, কেন না ছোট ছোট জিনিষ চোখের সামনে পড়ে না। (A VOICE FROM THE TREASURY BENCHES : এখানে বড়দেরও অনেকের জরি নাই।) স্বাভাবিক না থাকলেও বেনাখীতে থাকতে পারে। যন্ত্রীদের মধ্যে স্বয়ং একজন “পতি” বসে আছেন, জগৎপতি হতে পারেন। (THE HON'BLE NIHARENDU DUTT MAZUMDAR : উনি নাহেই শুধু “ভূপতি”।) ভূপতিবাবু ভূ-পতি হয়েও সন্দেহ নন--ব্রহ্মই বড়। (THE HON'BLE BHUPATI MAZUMDAR : আমার land নাই।) তাহ'লে আপনার নাম ভূপতি না হ'য়ে নৃপতি বা কলপতি হ'লে ঠিক হ'ত। যাক, বড়লোক যারা তাঁদের জায়গা হয়তো পরিষ্কার হবে, কিন্তু অন্যান্য ছোট জায়গা পরিষ্কার হবে না। যদি এই refugeeগুলো বনভাঙ্গা হ'য়ে থাকে, অর্থাৎ সব সময় একটু কান্ট্রাফ্রন্ট অবস্থা হ'য়ে থাকে, তাহ'লে জায়গা পরিষ্কার করেও তার উঠে যাবে--বোধ হয় যারা লক্ষ লোক তাদের জায়গা থেকে, কিন্তু যারা অশক্ত লোক, তাদের জায়গায় এসে ব'সে। আমি অতি ক্ষুদ্র সংখ্যালঘু নাবালক,

আমাদের জায়গা বোধ হয় থাকবেই, সেজন্য rehabilitationএর বিষয়ে Governmentএর সঙ্গে। অতএব refugeesদের জন্য একটা ভাল ব্যবস্থা হোক। তাদের যদি একটা ভাল ব্যবস্থা হয় তাহলে আমাদের একটা ভাল ব্যবস্থা হওয়ার সম্ভাবনা হবে। তারা একবার এখান থেকে উঠছে, আবার সেখান থেকে উঠবে, এইরূপ বারবার উঠবার ব্যাপারের মাঝখানে, যদি মানুষের মত (laughter) একটা বাবার আভিতে পরিণত হবে; আর যাবাবেরা চুরিডাকাতি করে ত অনেকই জানেন। সুতরাং তাতে দেশের খুব অনিষ্ট হবে। এই সব orphanদেরও একটা ব্যবস্থা করা উচিত।

আমি বলব এই আইনের কোন প্রয়োজন নেই। বর্তমানে যে আইন আছে তা আর্থেপুর্টে বাঁধবার পক্ষে যথেষ্ট। আইন কম ছিল ইংরেজ রাজত্বে—তাতেই তারা তাদের লোক, তাদের কর্মচারী, তাদের আমলা দ্বারা কাজ চালিয়ে গেছে। আর যত গোলমাল হচ্ছে আমাদের গণতন্ত্রের আমলে। তার প্রমাণ বৎসরখানেক আগে দাঙ্গা খামাবার সময়। দেশীয় আমলা দ্বারা দাঙ্গা খামান সত্ত্ববপর হয় নি, বিহার হতে কিছু কিছু পুলিশ আমদানী করতে হয়েছিল। এসব ব্যাপারের আমলাদের মানসিকতার উপর সমস্ত নির্ভর করছে। আইন কম আছে, এতে এটা হয় না, সেটা পারা যায় না—এসবের কোন মানে নেই। আমাদের ডাক্তার সাহেবের ঐ রকম প্রাণচালা আবেগ-বহী বক্তৃতা দ্বারাও কিছু হবে না, যদি সর্বের মধ্যেই ভূত ঢুকে থাকে—তাহলে সেই সর্থে দিয়ে ভূত তাড়ান যাবে না।

**The Hon'ble BHUPATI MAZUMDAR :** আপনারা কিছু করবেন না তাহলে ?

**Mr. JASIMUDDIN AHMED :** আমলাতন্ত্র করবে, competent authority যদি competent না হয়, যদি তাদের মনোবৃত্তি ভাল না হয়, তাহলে কিছুই হবে না। সবই incompetent হতে বাধ্য। এই আইন কিছু নয়। এই আইনের দ্বারা পরিকার পরিচালনা যদি সব হতো, তাহলে এটাকে ভালই মনে করতাম। এই আইনের দরকারই নাই। এই আইনের যে পরিণতি হবে তা জানাই আছে। শীঘ্র শীঘ্র কাজ করার জন্য এ আইনের দরকার বলা হচ্ছে, কিন্তু Governmentএর বেলায় কোন time-limitএর প্রশ্নই নাই। যা কিছু শুধু আমাদের বেলায়,—এক মাসের মধ্যে দরখাস্ত পেশ করতে হবে, তিন মাসের মধ্যে nomination submit করতে হবে ইত্যাদি, কিন্তু Governmentএর বেলায় এসব বলাই নেই। যত তাড়াতাড়িই করুন না কেন, যতই Government দিক না কেন কমতা, কিছুতেই ফল হবে না। তারপর Objects and Reasons সম্বন্ধে একটা কথা বলবো। আইনসম্বন্ধভাবে আমাব আপত্তি হল এই, আমাদের সামনের short-notice amendment গুলোই যদি ধর্তব্য হয়, তাহলে আমি বলবো এই সংশোধিত হবার আগের বিলটা ব্যতীত এগুলি এখন এখানে আসতেই পারে না। কারণ সেই বিলে যে বহু সংশোধন প্রস্তাব দেওয়া হয়েছে। তাতে short-notice amendment long-notice amendment তার title, preamble দ্বারাগুলি বদলেছে, এক বদলায় নি শুধু Object and Reasons এ যেন দুকোটা ঠিকই আছে কেবল তার পোল, নলচে বদলেছে। এর title আগে ছিল Eviction—অর্থাৎ “হটাও” আর এখন হচ্ছে rehabilitation অর্থাৎ “বসাও”। Objects and Reasons original Billতে আব নতুন বিলেতে যদি এতই তফাৎ হয় তবে এখানে সেইটি amended Bill বলে গ্রহণ করা যায় কিনা তাই বিবেচ্য। তাই বলি এ Bill যেভাবে পেশ করার প্রস্তাব হয়েছে, সেভাবে পেশ করা যায় না। Billএর যে নামই দিন Eviction of Unauthorised Persons বা Rehabilitation of Refugees যাই বলুন, আসল কাজ দরকার। নামে কিছুই আসে যায় না। নাম বসন্তই বলুন আব মায়ের অনুগ্রহ বলুন, শরীরকে পচিয়ে দেবেই। যেনম আগে এখানে বলা হতো house adjourns for prayer, এখন বলা হয় শুধু adjourned তাতে কি আসে যায় ? আমরা নামজাই পড়ি।

**Janab MD. KHUDDA BUKHSH :** Sir, it is already past 7 o'clock, and there are three or four speakers more.

**SJ. JYOTI BASU :** Sir, may we catch your eye and your ear?

**Shaik MOHAMMAD RAFIQUE :** Everybody in this House is tired now.

**Mr. SPEAKER:** I understand that there is some arrangement that after the consideration is finished today, the House will stand adjourned till tomorrow at 8 o'clock in order to finish the rest of the Bill.

**Janab MD. KHUDA BUKHSH:** We understand, Sir, that tomorrow is a non-official day.

**Mr. SPEAKER:** The position is that we shall take up non-official business afterwards.

**Shaik MOHAMMAD RAFIQUE:** Sir, is it 8 o'clock in the morning?

**Mr. SPEAKER:** Yes, in the morning. I understand that Dr. Suresh Chandra Banerji has agreed to sit tomorrow at 8 in the morning.

**Janab MD. KHUDA BUKHSH:** How can we come?

**Shaik MOHAMMAD RAFIQUE:** Tomorrow is a Friday, Sir.

(Several members rose to speak.)

**Mr. SPEAKER:** I cannot hear all of you at one and the same time.

The position is that so far as this Bill is concerned, the arrangement which has been arrived at is that after the consideration is finished today, let the Bill be taken up tomorrow at 8 o'clock, because otherwise the Bill will have to be delayed much further. Therefore, if this arrangement be adhered to, let us finish the consideration motion and then we can proceed with the rest of the Bill tomorrow at 8 o'clock.

**Janab MD. KHUDA BUKHSH:** Sir, it is quarter past seven. We have been sitting from 2-30 p.m. We do not agree to that arrangement.

**Janab MUDASSIR HOSSAIN:** On a point of order, Sir.

**Mr. SPEAKER:** What is your point of order?

**Janab MUDASSIR HOSSAIN:** Sir, my point of order is that the consideration of this Bill cannot go on according to the procedure laid down in the rules.

**Mr. SPEAKER:** Where is that?

**Janab MUDASSIR HOSSAIN:** Please hear me for two minutes.

Sir, this Bill, namely, the Eviction of Persons in Unauthorised Occupation of Land Bill, 1951, with the Statement of Objects and Reasons was published under rule 48 of the West Bengal Assembly Procedure Rules in the *Calcutta Gazette, Extraordinary*, dated the 15th February, 1951. This Bill with several amendments is being introduced in this House. Whether this is the same Bill or another Bill, that has to be considered. Rule 50 says: "If notice is given of a motion to introduce a Bill or to move an amendment which, in the opinion of the Speaker, cannot be introduced or moved save with previous sanction, unless such previous sanction has been intimated to him, the Speaker shall, as soon as may be after the receipt of the notice, refer the Bill, or the amendment to the Governor, and the motion shall not be placed in the list of the business unless the Governor has indicated to the Speaker that the previous sanction required has been granted".

Therefore, Sir, you will have to consider whether along with the amendments which are being considered, it is the same Bill which was published in the *Calcutta Gazette*, and if in your opinion the Bill is not the same but from the amendments which have been moved it appears

that it is altogether a different Bill which is being considered, then I beg to submit that this Bill cannot be considered without the sanction of His Excellency the Governor, and you may be pleased to refer the matter to His Excellency.

**Mr. SPEAKER:** I have considered the point of order. Firstly, the point of order should have been raised when the motion for consideration was moved. It cannot be raised after the discussion on the motion for consideration has gone on for three hours.

Secondly, it is no point of order, because the original Bill is there; the amendments are there, and the objects have not been changed. The objects are still there. Therefore you cannot say that rule 48 applies here. It is expressly mentioned that under rule 48, it has been published in the *Calcutta Gazette*. Therefore it is no point of order.

**Janab MUDASSIR HOSSAIN:** Sir, what I object to is this.

**Mr. SPEAKER:** Order, please.

**Shaik MOHAMAD RAFIQUE:** Sir, if you fix 8 o'clock in the morning, it will not be possible for us to attend the House tomorrow, because that is our prayer day. If it is the intention of the Leader of the Opposition to deprive us of the opportunity of taking part in the deliberations of this Bill, I do not think that will be fair to us.

**SJ. ANANDILAL PODDAR:** What is the objection?

**Janab Syed BADRUDDUJA:** Sir, we are prepared to sit tomorrow at 3 or 2-30 p.m. whichever time you may fix. But we cannot sit at 8 o'clock in the morning. That is our objection.

**SJ. ANANDILAL PODDAR:** In Pakistan they have morning sessions. Why can't they sit here? (Uproar.)

(Several members rose to speak and there was renewed uproar.)

**Mr. SPEAKER:** Order, order.

**SJ. HARIPADA CHATTERJEE:** Why do you speak in that way? You are a capitalist.

**SJ. KANAI LAL DE:** You go to Pakistan.

**Mr. SPEAKER:** Order, please. Will you please take your seat?

**SJ. HARIPADA CHATTERJEE:** Why should they go to Pakistan?

**Mr. SPEAKER:** Order, order.

**SJ. JYOTI BASU:** Sir, the point is this. It is a fact that it is a prayer day for Muslims, and so we should meet tomorrow at 3 p.m. We cannot meet at 8 o'clock in the morning.

**The Hon'ble BHUPATI MAJUMDAR:** We do not agree to that.

**Janab MD. KHUDA BUKHSH:** It is unfair for the Opposition to agree without any reference to us.

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** Sir, is your ruling to be obtained under a threat?

**Mr. SPEAKER:** Order, order. There is some difficulty in this. The difficulty is that the Leader of the House has to go away from Calcutta.

**SJ. JYOTI BASU:** Last moment বিল আনলে এই রকমই হয়।

**Mr. SPEAKER:** It is a question of accommodation. We have always accommodated the Leader of the House in this matter.

**Shaik MOHAMAD RAFIQUE:** He is not the mover of this Bill.

**Mr. SPEAKER:** It is for you to decide as to what would be convenient to the members concerned. In this case Government considers this Bill to be important and urgent and the members also, I believe, consider this Bill to be important and urgent, and naturally, I shall allow the utmost extent of time to the members to make general observations on the Bill as a whole. I, for my part, am also prepared to allow as much time as is necessary for considering all the clauses of the Bill. So far as that point is concerned I am quite in favour of sufficient time being allowed for discussion. Now the difficulty is as to when the Bill should be taken up again and at what time we should meet to continue the discussion of the Bill, if we adjourn now. The Leader of the House is going away tomorrow afternoon on some important matters and he wishes to finish this Bill, if possible, before his departure for Delhi. Under the circumstances I believe it would not be unduly inconvenient if we are to meet tomorrow morning at 8 o'clock, and the House should be accommodating in this regard.

**SJ. JYOTI BASU:** The Bill can be taken up again on Tuesday when the Hon'ble the Chief Minister comes back from Delhi.

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** In spite of what you have stated, if the other sections of the House are not agreeable to meet at 8 o'clock tomorrow, we on this side of the House are prepared to continue with the discussion and as long as may be necessary this evening if our honourable friends opposite will agree. We shall have no objection to sit till tomorrow 8 o'clock even, if that is necessary.

**Mr. SPEAKER:** I have considered the whole matter. The difficulty is this that the Leader of the House is in such a position that he has to leave tomorrow afternoon on account of very important matters. Now in Government Bills the Government chooses the time—the time may be inconvenient to some of us—and if the Government considers that this Bill is so very important that its consideration should go on without a break then naturally it becomes very difficult to resist the requirements of Government. Under the circumstances I would request the House once more to agree to and to accommodate the Leader of the House in regard to his suggestion that we meet again at 8 o'clock tomorrow. If it would have been possible for the Leader of the House to avoid his going away tomorrow afternoon I would have compelled him to remain. I have had full talks with him and I find that it is not possible for him to postpone his journey. Therefore it is a question of mutual accommodation and I believe that the Opposition would withdraw their objections and agree to the time because, after all, in this House we have always been accommodating each other; the Government has been accommodating the Opposition and the Opposition has to accommodate the Government and not to insist upon a matter which should be a matter more or less of courtesy and mutual accommodation.

**SJ. JYOTI BASU:** Cannot a telegram be sent from this House to the Congress Working Committee at Delhi to postpone their meeting?

**Mr. SPEAKER:** That is no concern of ours and we cannot do it. The Hon'ble the Leader of the House is the sole judge to decide whether the business on which he has to go is more important and whether or not



his journey can be postponed. If the Opposition does not agree and if the House as a whole does not agree to the time proposed, something else will have to be done, but, in such matters, it will be a pity if there is no mutual agreement.

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** I had consulted Dr Suresh Chandra Banerji who happened to be the Leader of the Opposition and he was not unwilling to have the meeting at 8 o'clock. That is why I suggested 8 o'clock tomorrow morning.

**Janab Syed BADRUDDUJA:** Sir, whatever agreement up till now has been arrived at has been arrived at behind our backs and he had no authority to speak in our name.

**Mr. SPEAKER:** He has not spoken in your name. He is speaking on his own. Now we are concerned only with the question of time—not with the agreement and other things. Now the position is that the Government desires to have the next meeting tomorrow morning to continue discussion of this Bill and a section of the Opposition is agreeable to this arrangement. I am simply appealing to the entire House to show an accommodating spirit in this regard.

**Janab Syed BADRUDDUJA:** We have submitted our point of view to you, Sir, and, through you to the Government, that we are not in a position to sit tomorrow morning at 8 o'clock, before we finish our prayer. That is our prayer time. Had tomorrow not been Friday I would be only too glad to come to the meeting in the morning as I know that the Bill is an important one affecting a large number of displaced persons in West Bengal. I would appeal to the Leader of the House to consider our point of view.

**Mr. SPEAKER:** I understand that the prayer is after 12-30 and if we sit at 8 o'clock certainly we shall have finished our business by that time and, if not, adjourn by about that time.

**Shaik MOHAMAD RAFIQUE:** There are 7 or 8 speakers more to speak on the consideration motion and even if we met at 8 o'clock tomorrow—of course for us this time will not be convenient—I do not think Government will be able to finish this Bill.

**Dr. SURESH CHANDRA BANERJEE:** আমি যখন ডাঃ রায়কে বলেছিলাম আমার কোন আপত্তি নাই যদি অন্যেরা রাজী হন; তখন আমার মনেই ছিল না যে কাল শুক্রবার, মুসলমানদের prayer day কাজেই এখন আমি ডাঃ রায়কে অনুবোধ করছি, কাল তিন ঘণ্টার মধ্যেও এই বিল শেষ হবে না, যদিও আমার বিলটা শেষ করতে ইচ্ছুক—I appeal to Dr. Roy through you, Sir, to postpone the further consideration of the Bill.

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** Shall we not continue tonight? Let us go on for a little while.

**Dr. SURESH CHANDRA BANERJI:** এত বড় একটা serious Bill এত ভড়াভাড়ি হতে পারে না। Please don't be in a hurry.

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** May we not sit till 9 o'clock tonight. Let us see how far we progress.

**Mr. SPEAKER:** It pains me to find that on such a simple matter we cannot agree. It is not a matter of principle at all. The position is that we have got to agree to a time-table with regard to the consideration of matters with due convenience to all sides. The position is this that

because the Leader of the House is in a difficult position that he can neither postpone the Bill nor postpone his journey tomorrow afternoon he has suggested that we meet at 8 o'clock tomorrow morning. Now with regard to Government Bills the Government is the person who fixes the time-table as to within which time a thing is to be finished. That is all the difficulty and now it is a question of accommodation.

So far as prayer is concerned I understand that the prayer tomorrow starts not earlier than 12 o'clock, so that we can go on with our business in the morning.

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** At the commencement of the Assembly session out of deference to the wishes of the friends in the Opposition, the Hon'ble the Leader of the House agreed to sit as long as possible in order to afford them as much time as was necessary. The other day when the Bill was scheduled to be taken up the Hon'ble the Leader of the House, in deference to the wishes of the Opposition, agreed to put it off and I do hope my friends opposite will in a sporting spirit now accommodate the Hon'ble the Leader of the House. It is not unusual for us to sit up till 9 o'clock in the evening, and when the discussion is going on we may at least this evening continue till 9 o'clock if our friends opposite are extremely unwilling to sit at 8 a.m. tomorrow morning. Objections of my friends opposite may not be taken as serious objections—(SHAIK MOHAMMAD RAFIQUE: I take objection to that word)—for boys attend school even on a prayer day and we have been used to enjoying a little longer recess on Fridays after midday. Therefore I do hope that there may be no objection to our sitting till 9 o'clock this evening and failing that we shall sit at 8 a.m. tomorrow morning.

**SJ. DEBENDRA NATH SEN:** Sir, the difficulty can be obviated in this way. The Working Committee meets for two days on the 7th and 8th and the Chief Minister can go by the night plane tomorrow or by a special plane day after tomorrow. In that case we can meet tomorrow from 2 p.m. and I think my friends would not have any objection to that.

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** Let us continue till 9 o'clock today and sit from 2 p.m. tomorrow.

**SJ. CHARU CHANDRA BHANDARI:** On a point of order, Sir, মাননীয় স্পীকার মহোদয়, একটা point এই হাউসে আপনিও লক্ষ্য করেছেন, আমরাও লক্ষ্য করেছি, সেটা হচ্ছে এই যে আমাদের এই মসলিম section-এর মধ্যে থেকে যখনই কেউ কোন কথা বলে, যদি সে কথা অন্যের অপ্রীতিকর হয় তাহলে “পার্লিমেণ্টে যাও, পার্লিমেণ্টে কি হচ্ছে” ইত্যাদি ধরনের কথা বলা হয়; জািনা এগুলো parliamentary etiquette কিনা। ইংল্যাণ্ডে অবশ্য এ সম্বন্ধে কিছু নাই। কারণ সেখানে এমনকারমত কোন situation arise করে নাই। সুতরাং আমি জানতে চাই এখানের কোন মুসলিম বোঝার সম্বন্ধে ঐ রকম কোন কথা বলা parliamentary etiquette কি?

**Mr. SPEAKER:** Surely it is not proper to ask any member to go to Pakistan. It is not a question of parliamentary etiquette but it is a comment which ought not to be used at all. We have got no right to say to any Muslim member to go to Pakistan.

Now I come to the question as to what we should do, so far as the Government Bills are concerned.

**SJ. DEBENDRA NATH SEN:** Sir, we can sit from 2 p.m., tomorrow.

**Mr. SPEAKER:** I have made an appeal to members on this small point. If all sections of the House do not agree and as it is a Government Bill, I have no other alternative but to fix the time myself. So far as Friday prayer is concerned we know that the High Court sits at 11 a.m. on Fridays and adjourns at 12 noon. On that analogy I think there is no bar to our sitting and taking up the business at 8 a.m. tomorrow and we shall see if the business is finished or not. Had it been the customary practice that Muslims do not transact any business on Fridays until the prayer is over, the High Court could not have sat in the morning from 11 a.m. to 12 noon. Our experience has been that the High Court transacted business even under the old regime when the High Court sat till 12 noon on Fridays. Once again therefore I appeal to the House to come to an agreement. The position is that with regard to Government business, it is the Government which draws up the time-table and fixes the time because the Government is the best judge as to what it wants to be done. I am prepared to give the utmost accommodation that is possible for me to give to every section of the House. Had it been possible for the Government I would have been the first to come forward not to have a meeting at 8 a.m. tomorrow. But the position of the Chief Minister is such that he cannot do that. It is not possible for me to postpone his departure. I am sorry to find that honourable members could not agree to this simple proposition.

**Janab Syed BADRUDDUJA:** Sir, except on Saturdays we have never sat in the morning.

**Mr. SPEAKER:** In view of the failure of the members to come to an agreement, I think I have no other alternative but to fix 8 a.m. tomorrow morning for discussion on this Bill. I regret very much that I have to give my decision. I wanted the whole House to come to an agreement but it could not. So that duty has to be performed by me.

The House now stands adjourned till 8 a.m. tomorrow morning.

#### **Adjournment.**

The House was adjourned at 7-32 p.m. till 8 a.m. on Friday, the 6th April, 1951, at the Assembly House, Calcutta.

**Proceedings of the West Bengal Legislative Assembly assembled  
under the provisions of the Constitution of India**

**THE ASSEMBLY** met in the Assembly House, Calcutta, on Friday, the 6th April, 1951, at 8 a.m.

**Present:**

**Mr. Speaker** (the Hon'ble ISWAR DAS JALAN) in the Chair, 11 Hon'ble Ministers and 54 members.

**GOVERNMENT BILL.**

**The Eviction of Persons in Unauthorised Occupation of Land Bill, 1951.**

**Dr. SURESH CHANDRA BANERJI :** স্যার, আমি কাল বলেছি এবং আজ আবার আপনার একটি সেই নিবেদন পেশ করছি। তাই আজ বহু member আসেননি এবং মুসলমান memberরা বলছেন আজ তাদের প্রার্থনা দিবস। আমাদের কথা হচ্ছে যেসব short-notice amendment দেওয়া হয়েছে তা আমরা ঠিকমত বুঝে উঠতে পারিনি। আর এইরকম একটা important Bill যে উদ্দেশ্যে আনা হয়েছে সেই উদ্দেশ্যে—

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** On a point of order, Sir. Are there any Questions and Answers today?

**Mr. SPEAKER:** No.

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** If there is none, then let us proceed on the business of the day and if there is any point for submission, that will come in due course. All these things were already discussed yesterday.

**Dr. SURESH CHANDRA BANERJI :** স্যার, আমি এই অনুরোধ করছি যে সমস্ত short-notice amendment এসেছে হয়তো আজ আরও আসবে, তা আমরা ভাল করে বুঝতে পারিনি, এমনকি ভাল করে পড়তেও পারিনি। ফলে সেসব সম্বন্ধে কি amendment দিতে হবে তাও আমরা ঠিক করতে পারিনি। এই বকম একটা important Bill নিয়ে তাড়াহুড়া করলে যে উদ্দেশ্যে এই Eviction Bill আনা হচ্ছে সেই উদ্দেশ্যই ব্যর্থ হবে। সেইজন্য আপনার কাছে অনুরোধ করছি এই বিল সম্বন্ধে আজ আর আলোচনা করতে না দিয়ে যদি অন্য কোন কাজ থাকে সেই কাজ করলেই ভাল হয়। বিলটা সম্বন্ধে আমাদের প্রথম হতে দেওয়া Governmentএর পক্ষে উচিত বলেই আমি মনে করি এবং আশা করি আজ এই বিলের আলোচনা স্থগিত থাকবে।

**Mr. SPEAKER:** I do not think we can go on with this discussion any more unless there is some agreement in the House itself. I have to proceed with the business of the House. Yesterday we were discussing the consideration motion and we have to proceed with that. There is a motion standing in the name of Sj. Charu Chandra Bhandari. I think Mr. Bhandari will move that motion.

**Sj. CHARU CHANDRA BHANDARI:** স্যারেন বাবু আগে বলতে চেয়েছেন, তিনিই আগে বলুন, তারপরে আমি বলব।

**Sj. NIHARENDU DUTT-MAZUMDAR:** Sir, you are taking up the amendment motions?

**Mr. SPEAKER:** No. To the main consideration motion there are two amendment motions—both of them are for eliciting opinion and for circulation. Those motions have not been formally moved. They will have to be formally moved.

**8J. NIHARENDU DUTT-MAZUMDAR:** That would be more convenient. After those motions are formally moved, the discussion can go on.

**8J. CHARU CHANDRA BHANDARI:** Sir, I beg to move that the Eviction of Persons in Unauthorised Occupation of Land Bill, 1951, be circulated for the purpose of eliciting opinion thereon by the 15th June, 1951.

**Dr. SURESH CHANDRA BANERJI:** Sir, I beg to move that the Eviction of Persons in Unauthorised Occupation of Land Bill, 1951, be circulated for the purpose of eliciting opinion thereon by the 28th June, 1951.

**Janab MUSHARRUFF HOSSAIN:** Sir, today I see no Muhammadan member has come excepting myself. Because I am not in touch with anybody, so I have come.

Sir, the position is this. This Bill, as was presented before the House, was meant for eviction of displaced persons. So long as the object of the Bill was like that, those who lost their properties and houses thought that they would get an advantage out of it, but now the object of the Bill has entirely changed. Here, as far as I can read the amendments proposed by Mr. Sushil Kumar Banerjee, he says that the Bill is meant to give certain right to the displaced persons. So, as the object of the Bill is completely changed in character, I never thought—I can never think—that this Bill can be considered at all in a House like this. I had been in this Assembly. I think, for the last 40 years and I have also presided over many meetings of the Select Committee, but I have never heard that if the object of a Bill has been changed, that Bill can be considered by the House without again republishing it in the *Calcutta Gazette* and giving certain time for eliciting public opinion thereon. In every Select Committee I have found that when such a case has happened, we have recommended that the Bill should be circulated for eliciting public opinion thereon—that has been recommended by us all along. But, strange to say, although this Bill is entirely changed in character and object, the Bill is now being pushed through the House without thinking of the legal aspect of what we are doing. I appeal to you, Sir, to think of what the Mussalmans who have lost all their houses all over the country will think—that this House does not care a tuppence for the interests of those Mussalmans who have stayed in India but who have all lost their houses and properties. I can give you a concrete case of Jalpaiguri from where I come. There the rioting commenced. All the Muslims were removed to some houses which were selected for refugee house or refugee camp, and their houses were all occupied by outsiders. Some of them are refugees; others are not; and as soon as the camp was dissolved, some of those who were in the refugee camp left India and went to Pakistan. Others who have got a large stake in India, they could not go away, but they lost all their houses. Now when this Bill came, they all thought that they would get back their houses. But what is the present position now? I say that they are going to lose all their houses. Rights are being conferred most shamelessly on those who have actually wrongfully entered the houses belonging to the Muslims and it is being applauded by my friends of the Krishak Proja Party and others. Of course some provision has been made in the Bill that if Government gives them alternate lands, then the houses may be vacated by the displaced persons, but I say all that depends

upon the whims and caprice of a particular officer who will be the District Officer. If the District Officer thinks that this is an occasion for him to turn out all the Muslims, he will have the right to do so. And here the gentleman who will manage the affairs from Calcutta will say "what do I know? no house, no land can be provided for by the Government for these displaced persons; what can I do?" So although some step has been taken in the Bill to reconcile the two aspects of the case, when the matter will come to be considered by the representative of the Government in the district, everything will depend upon his own whims and caprice.

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** The competent authority is there.

**Janab MUSHARRUFF HOSSAIN:** My friend who has read the law ought to understand that this competent authority is not to provide land and houses for these refugees. It is the Government which is to provide land and houses to replace the houses that have been occupied by displaced persons. So if the Government or the representative of Government in the State, if he misbehaves, no relief will come to the Indian Muslims.

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** Tribunal.

**Janab MUSHARRUFF HOSSAIN:** Tribunal is not to supply land. My friend ought to understand also that the house and land are to be provided by Government and not by the Tribunal. The Tribunal will work according to the direction that you have given, but the land, money and the house will have to be provided by Government according to the law, according to the provisions that we have made. So if the Government would be callous—I do not mean Government at the top. If you approach the Prime Minister, he will say "what do I know" if the district man who uses to do all these things cannot find alternative accommodation, I cannot do anything—everything will depend upon the official who will actually do the work. I appeal to you, Sir, to consider this and to postpone the consideration of the Bill, so that the people in the mufassal may know what is their position, and they may also come to the Government and put their case before the Government and Government may after considering all these things reconsider the position which they have now taken. Government has been now practically coerced by the Opposition or by show of force to suggest a measure like this, but when the Opposition itself says that let the matter be sent for circulation, why should Government object in a case like this? Is the Government in this State the right type of Government which after considering all facts and circumstances of the case had placed a Bill before the House and then all on a sudden that Government comes and says "no, no, no, we were wrong absolutely? Our object is not to turn out these people, not to evict them but to rehabilitate them." That is the position which Government has taken. Even now the Government is talking with the Opposition just to humour them, but if the Government be of this temperament, of this mind, can the people have any faith in a Government like this? Sir, I fully support the motion that has been moved by my friend Mr. Bhandari and pray to the Chief Minister and all those who are here first of all to think of the Muslim elements that are still in the House and to postpone the Bill for eliciting public opinion on it.

**SJ. CHARU CHANDRA BHANDARI:** মাননীয় স্পীকার মহাশয়, এই Bill সম্পর্কে দু'দিন ধরে আলোচনা হচ্ছে। এবং বিলের অন্য দিকে ভালভাবে আলোচনা হয়েছে, সেদিক সম্পর্কে আমি বিশেষ কিছু বলতে চাই না। শুধু বিলের একটা important aspect, সেটা হচ্ছে এই "How this Bill will benefit or adversely affect the minority members of the minority community and in particular the displaced members of the minority community." এই aspect

সম্পর্কে আমি আলোচনা করতে চাই, বিশেষ করে এবং সাধারণভাবে অন্যান্য বিষয় সম্পর্কেও আমি বলতে চাই। একটা ধারণা—স্বাস্থ্য ধারণা যা চলে আসছে আমাদের কারও কারও মধ্যে,—এই যে বিল minority community আমি বলবার সুবিধার জন্য, মুসলিম কথাটা ব্যবহার করবো, যদিও অনেক আপত্তি করেন যে আমাদের Constitution যা হয়েছে, তারপরে এই কথাটা ব্যবহার না করলেই ভাল, তবু বোঝাবার সুবিধার জন্য Muslim কথাটা এখানে ব্যবহার করবো এই যে কথা যে মুসলিমদের সম্পর্কে এই Bill প্রযোজ্য হবে না। আমি বলি একথা ঠিক নয়। এই বিল all alike—Hindu, মুসলমান, বৌদ্ধ, খ্রীষ্টান সকলের বেলায়ই প্রযোজ্য। এখন দেখা যাব বিলে যেসব বিধান করা হয়েছে তাতে কে কিভাবে তাতে affected হবে। বিলে দু'টি clause সব চেয়ে বেশী প্রয়োজনীয়। এবং সে দু'টো বিলের আসল clause বা operative clause. সেটা হচ্ছে clauses 3, 4 and 5 নম্বর clause এবং এই যে operative clause তাতে আছে,—কেউ যদি unauthorised wayতে occupy করে থাকে কারও জমি, তাহলে তাকে কোন রকমে evict করা হবে। কেন করা হবে সেটা detail-এর কথা। এখানে সেটা আলোচনা করতে চাই না। এটাই হচ্ছে operative clause of the Bill. Next clause সেটাও important, সেটা হচ্ছে protective clause; সেটাকে খানিকটা main clause-এর proviso বলা যায়। মাননীয় স্পীকার মহাশয়, লক্ষ্য করবেন কোন জায়গায় eviction করবে না এটা হচ্ছে protection clause—কাদের জন্য?—protection for bona fide refugees. এখন ধরে নিচ্ছি Government side থেকে যে amendment এসেছে for bona fide displaced persons এদের জন্যই protection দেওয়া হচ্ছে। এখন দেখা যাক এই ৩ নম্বর Eviction clause-এ কারা পড়ে? যা কিছু occupied হয়েছে সেখানে Muslim community বুঝ বেশী concerned. অভাব বিচার করতে হবে owner of land is a Muslim. Owner অন্য লোকও আছে। 99 per cent. বা 99.9 per cent. অন্য লোক। সেখানে Muslim community কিভাবে affected হবে সেটা বিচার করলে দেখা যাবে owners of the land কিভাবে affected হবে। Clause ৩তে আছেন। এটা ঠিকই আছে both the Hindus and other people and the Muslims কিভাবে affected হচ্ছে সেখানে কিছু বলবার কথা নেই। অবশ্য clause 3কে শক্ত করা হবে কি নরম করা হবে বা কি করা হয়েছে যাতে it will affect both the Hindus and Muslims and everybody. এটা কম করবার কোন কথা নাই। আসল clause 4 সেটা হচ্ছে protection clause for refugees. এখানে owners-রা হিন্দুই হোন, owners-রা displaced persons হোন, আর owners-রা যদি Muslim হয় অথবা যদি owners-রা, সাধারণ displaced Muslim হয় তাহলে কি হবে? এটা হচ্ছে crucial point. সেখানে ব্যবস্থা করা হচ্ছে latest amendment Government তরফ থেকে পাচ্ছি—

**8j. KANAILAL DASS :** মাননীয় সেক্সার এখানে বসে থররের কাগজ পড়ছেন এটা allowed কি?

**8j. SIBNATH BANERJEE :** স্বববেব কাগজ পড়ছি না, আপনাদের statement পড়ছি।

**8j. CHARU CHANDRA BHANDARI :** Clause 4-এ এই ব্যবস্থা করা হয়েছে irrespective of the character of the owner of the land. Protection দেওয়া হয়েছে—এটা ঠিক কথা। সেখানে যে ব্যবস্থা করা হয়েছে তাতে দেখা যায় Muslim যারা displaced persons তাদের সম্পর্কে whether it will benefit them or adversely affect them. বলা হয়েছে যে latest amendment এসেছে তাতে “Notwithstanding anything contained in section 3, a displaced person in respect of whom an order under sub-section 3 has been made shall not be evicted if he pays such compensation.” প্রথম হচ্ছে যদি bona fide refugee বা displaced person সেই জমির compensation দেয় তাহলে তাকে evict করা যাবে না। তিনটি alternative আছে। Compensation দিলে তাকে evict করা যাবে না, দ্বিতীয়ত: যদি Government কোন alternative accommodation না দিতে পারে, তাকে evict করা চলবে না।

**8j. HARIPADA CHATTERJEE :** মাননীয় প্রধান বরী মহাশয়, এদিকে নব্বয় দিন, একশাওনি ভরবে negotiation-এ সাহায্য হবে।

**Mr. SPEAKER :** It is in connection with the Bill that negotiations are going on between the Hon'ble the Chief Minister and the Leader of the

Opposition for the settlement by mutual consent of outstanding matters on which there is a difference of opinion between the Government and the Opposition.

**SJ. CHARU CHANDRA BHANDARI:** দ্বিতীয় কথা হচ্ছে Government ইচ্ছা করলে,—যে provision আছে, তাতে ইচ্ছা করলে (shall নেই)—ইচ্ছা করলে অন্যত্র alternative accommodation দিতে পারেন। তৃতীয় কথা হচ্ছে (Government may) এই জমি acquire করে দিতে পারেন। এই তিন রকম কথা। এখন আত্মন দেখি অন্য পক্ষকে adversely affected করবে কি না করবে। এর আগে একটা কথা ভূমিকায়রূপ বলতে চাই। যখন Evacuee Property Act আলোচনা করা হয়েছিল এই Act দ্বারা যাত্রা displaced Muslims যারা পাকিস্তানে চলে গিয়ে ফিরে এসেছে তাদের সম্পর্কে প্রযোজ্য হবে। তার বাইরে বহু। যদিও ভারী majority না হন, এমন displaced Muslims আছে, যারা পাকিস্তানে যায়নি, যারা Indian Union-এর মধ্যে ছিল যথা পশ্চিম বঙ্গ, বিহার U.P.তে চলে গেছে সেই রকম displaced Muslims-এর সংখ্যা যা হচ্ছে majority তাদের সম্পর্কে কোন বিধান হল না—একথাই আমি বলেছিলাম তখন যখন আশুপা দেওয়া হয়েছিল যে তাদের সম্বন্ধে অন্য আর একটা যে বিল আসছে, সেই Bill-এ তাদের সম্পর্কে ব্যবস্থা থাকবে। এখানে আমি জানতে চাচ্ছি তাদের সম্পর্কে বিশেষ ব্যবস্থা এই বিলের মধ্যে কি আছে অর্থাৎ বিলের সম্বন্ধে ধরে নিচ্ছি অন্যের বেলায় যা হবে, তাদের বেলায়ও তা হবে। শিবনাথ বাবু বলেছেন যে class distinction করা উচিত নয়।

**SJ. SIBNATH BANERJEE:** করা উচিত বলেছি।

**SJ. CHARU CHANDRA BHANDARI:** করা উচিত বলেছেন? আচ্ছা, এখানে class distinction-এর কথা নয়। Classই হোক, community হোক, গরীব হোক, বড় লোকই হোক এটা শূন্য নয়। শূন্য হচ্ছে একটা বিধান আছে Evacuee property Act সেখানে বিধান আছে যদি কোন evacuee অর্থাৎ কোন displaced Muslim পাকিস্তানে চলে গিয়েছে তার কোন সম্পত্তি সাধারণ লোকেরা জোর করে দখল করে থাকে—Evacuee Property Act খুলে দেখুন। সেখানে এই কথা বলা হয় নাই যে কোন মুসলিম displaced person-এর কোন জমি বা ঘর যদি কেউ দখল করে—তা সে bona fide refugee হোক বা অন্য যে কেউ হোক—তাকে সেখান থেকে eviction করা হবেই হবে। এখানে আসসা assurance পেয়েছিলেন majority of the displaced Muslim সম্পর্কে, on the agreement between the two States যে সেই আইন প্রযোজ্য হবে না। কিন্তু এখানে যে বিধান তাদের সম্পর্কে করা হয়েছে, তাতে মুসলিমদের খুব অনিষ্ট হবে। Clause 4 যদি এমন হয় যে অধিকাংশ ক্ষেত্রে কথার ছিলনা, তাহলে চলবে না। কারণ অধিকাংশ ক্ষেত্রে Muslim displaced person-এর জমি হোক, আর ঘরই হোক বা অন্য কিছু হোক এই bona fide refugee দখল করেছে, এর দ্বারা যদি মনে করেন যারা refugee, তাদের rehabilitation করতে হবে—that is the responsibility of the Government. কিন্তু তাই বলে তাদের rehabilitation করবেন at the cost of the displaced Muslims—এটা হতে পারে না। একজন displaced personকে rehabilitate করবেন, but not at the cost of another displaced person. এই নীতি গৃহীত হয়েছে Evacuee Property বিলে। অন্তর্গত এই clause 4-এর দ্বারা মুসলিমদের প্রতি অবিচার করা হবে, এটা রাখা উচিত নয়।

আমি clause 4-এর analysis করছি। যেমন ধরুন নবীয়া জেলার মধ্যে বহু, শত শত, হাজার হাজার মুসলমান refugee রয়েছে—

**Mr. SPEAKER:** On a general discussion you should not go into the details of the Bill.

**SJ. CHARU CHANDRA BHANDARI:** আমি আদৌ details-এর মধ্যে যাচ্ছি না। আমি principles of the Bill সম্বন্ধে বলছি যেমন rehabilitation of the bona fide refugee and to protect those persons যাদের অবিধার unauthorised occupation হয়েছে। কিন্তু How to protect the displaced Muslims? কাজেই সেই নীতিটাকে বিশ্লেষণ করতে গেলে আমাকে



এগুলো refer করতে হয়। এখন একজন displaced Muslim সে পাকিস্তানে চলে যাব নাই, সে এখানেই আছে, কিন্তু clause 4 অনুসারে সে তার জমি কেন্দ্র পাবে না। কি compensation আপনারা তাকে দেবেন? কি রকমভাবে সেই compensation দেবেন? Periodically? কালকে ডাঃ রায় একটা সাংঘাতিক কথা বলেছেন যে bona fide refugeeদের rehabilitate করতে গিয়ে সাধারণ private personএর ক্ষতি করবেন। আরও তিনি বলেছেন ৩০ বৎসর পর্যন্ত কিস্তিবন্দী মত এই compensation দেওয়া চলবে। যারা private individual যাদের জমি দখল করবেন, তারা কি অপরাধ করেছে যে ৩০ বৎসর ধরে সেই জমির compensation পাবে? যদি refugeeদের সত্যি rehabilitate করতে চান, তাহলে পুতৌকাটি লোকের উপর capital tax বসান এবং সেই টাকাটা compensation হিসেবে যাদের জমি দখল করবেন, তাদের দিয়ে দেন এটা apply করুন in the case of displaced Muslim—যারা পাকিস্তানে চলে যায় নি।

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** On a point of order, Sir. Persons affected are persons who are owners of houses and lands which have been wrongfully occupied and such lands belong to Muslims, Hindus and others. I wonder therefore how a communal colouring can be put into this question.

**Mr. SPEAKER:** I do not think it is a point of order. It depends upon the Speaker as to how he would place his point of view before the House.

**SJ. CHARU CHANDRA BHANDARI:** এই clauseটা in the case of the displaced Muslims যে পাকিস্তানে চলে যায়নি, তার সম্পর্কে Evacuee Property Act apply করবে, সে displaced হয়ে গেছে, সে জমি কেন্দ্র পাবে না। আর তাকে compensation দিলেও সে ৩০ বৎসর ধরে কিস্তিবন্দীভাবে সেটা পাবে। এটা ঠিক স্ববিচার হচ্ছে না।

তারপর provided a displaced personকে অন্য জায়গায় accommodation দিয়ে তার জমি নিতে পারেন। সেটা দু'বছর লাগতে পারে, বেশীও লাগতে পারে। যে displaced person—যে owner তার সম্বন্ধে কোন কড়াকড়ি বিধান নাই যে সে কোন জায়গায় যাবে। তার জমি-ধর থেকে সে বে-দখল হয়ে আছে। যে সমস্ত border area সেখান থেকে হাজার হাজার মুসলমান এই বকমভাবে তাদের জমি-ধর থেকে বে-দখল হয়ে আছে, তাদের অন্যত্র কি accommodation দেবার ব্যবস্থা করেছেন, কিভাবে তাদের rehabilitate করবেন?

তৃতীয় বিধানে আছে—“Government may etc.” কিন্তু কৌন্টা কববেন, তাব ঠিক নাই। তাতে কোন statutory protection থাকছে না। State Government on the application of the owner may acquire the land. তাদের জমি আপনারা acquire করবেন। কেন করবেন? For public purpose কিন্তু এই “public purpose” টা Land Acquisition Actএর একটা সাংঘাতিক বিধান। এই যে public purposeএ acquire আপনারা করবেন এটা contravenes the Land Acquisition Act. এর আগে যে জিনিষ ছিল under the Development and Planning Act তাতে বরং খানিকটা স্ববিধা ছিল। গভর্ণমেন্টের limit কববার কোন ক্ষমতা এখানে নাই। যেভাবে জমি acquisition হয়, সেখানে যদি limit না কবে দেন, তাহলে আপনারা যা কিছু acquire করবেন only for the purpose of rehabilitation of the displaced person বা for any other public purpose as contemplated in the Land Acquisition Act. এ জিনিষটা যদি না করেন তাহলে এই clause 4এর কোন meaning থাকে না। হয়ত সংখ্যার জোরে এটা পাস করতে পারবেন। কিন্তু ভাল করে দেখুন—read between the lines. A displaced Muslim যেহেতু সে পাকিস্তানে যায়নি, তার জমি acquire করে নেবেন, তাহলে এতে তার কি protection রইল? যে dependent for livelihood of such land সেখানে তার জমি অনুগ্রহ করে acquire করবেন না।

এখানে clause 4 (1)এ বলা হয়েছে যে displaced person হবে বা অন্য কেউ হবে,—তার নিজের জন্য সেই জমি ও ধর—দরখাস্ত সে compensation দিলেও সেখানে থাকতে পারবে না। তাহলে তার জন্য

একটা alternative planএর কথা বলুন। তারপর এই যে appropriate authorityর কথা উল্লেখ করা হয়েছে সে জিনিষটা আরও ভাল করে জানতে চাই। এ সম্পর্কে আমি হাউসের সকলের দৃষ্টি আকর্ষণ করতে চাই। আপনাবা কখন, কীক মাঝে চান, রাখুন। কিন্তু আমার তথু বলবার কথা এই যে what would be the fate of the displaced Muslims. যাত্রা যেখানে acquire করবেন সেখানে সন্দের জন্য একটা protection, shelter এবং livelihoodএর ব্যবস্থা করা বিশেষ প্রয়োজন। তা না হ'লে তাদের প্রতি অভ্যস্ত অবিচার করা হবে। It will be letting down the displaced Muslims. সে বিষয়ে কোন সন্দেহ নাই।

নদীয়াতে শতকরা ৯০ জন bona fide refugee রয়েছে, তাদের সেখানে কি করে কি করবেন? মুসলমানদেরই বা কার জমি অধিকার ক'বে কিভাবে protection দেবেন? He is also a bona fide refugee. অতএব সে displaced Muslim হোক, অন্য displaced person হোক বা অন্য যে কেউ হোক আপনাবা কাউকে কিছুই দিতে পারছেন না। আপনাবা এটা বিধান রাখুন, আমরা displaced person শব্দে যে definition আপনাদের দিয়েছি সেটা আমি include করেছি—displaced Muslims যাবা পাকিস্তানে চলে যাচ্ছে, আবার ফিরে আসছে। আমি বলেছি provisions of clause 4 will not apply in cases where the owner of a land is himself a displaced person. আমরা এটা accept করলে তাদের প্রতি মানিকতা সন্নিবিষ্ট করা হয়। Otherwise displaced Muslimদের protection দেবার কোন উপায় আপনাদের বিলে নাই। আপনাবা সেটা একটু ভাল করে ভেবে দেখুন। ডাঃ রায় একথা বলেছেন—No Government anywhere in the world would view with equanimity the occupation by anyone of land belonging to somebody else and their rights to the property be interfered with. While this might be true, there was no overlooking the fact that the question of forcible eviction of bona fide refugee has to be looked at from a different angle. সত্যিকার কথা যেখানে bona fide refugee জমি দখল করে, তা different angle থেকে দেখতে হবে। Different angle থেকে এটাও দেখতে হবে যেখানে একজন displaced person আর একজন displaced personএর জমি বা ঘর দখল করে, যেটা basic principle of the Bill. ডাঃ রায় বলেছেন দলদল হলে অন্য আর একটা আইন করবেন। সেই আইন ক'রুন। এই বিলে কিন্তু তাব কোন scope নাই। অতএব এই বিলে তাদের protection সম্পর্কে একটা বিধান না করলে হবে না।

দ্বিতীয় কথা হচ্ছে, আমার কথানি একটি অপ্রতীকর শোনাতে পারে তবুও আমি অপ্রিয় সত্য কথা এখানে উচ্চারণ করবো। এটা সত্য কথা যে আপনাবা অনেকটাই carried away by emotion. আমরা মনে প্রাণে চাই East Bengal refugeesএর rehabilitation হোক। এবং হবে বলেই that is the responsibility of Government. কিন্তু এটা আমরা চাই না যে যাব জমি দখল করা আছে বা দখল করা হবে তাকে সামান্য কিছু দান দিয়ে সেই জমি অন্যকে বিনি বরে দেবেন। এবং তাকে ১০ বছর কি ৪০ বছর ধরে গভর্নমেন্ট কর্তৃক দখল করে compensation দেবেন। এটা ঠিক মুক্তিযুদ্ধ নয়।

গভর্নমেন্ট টাকা দিন, যদি টাকা হাওলাত দিতেও হয় গভর্নমেন্ট refugeesএর দিন তাদের নিজের responsibilityতে, নাহ'লে যে compensation পাবে সেটা সে কতদিনে পাবে, Government আজকে under the guise of rehabilitating the refugees shifting their responsibility on private individuals. ব্যক্তিগত সম্পত্তি যখন লোপ হবে, লোপ হোক। কিন্তু এখানে সকলে পুঁজিপতি নয়, অনেক ক্ষুদ্র ক্ষুদ্র সম্পত্তির মালিক আছেন। Vested interest যদি কারও থাকে, আমি গোয়েন্দা, বিভাদারের কথা বলছি, তাঁদের জমিই সব নয়। আমি জানি যারা মধ্যবিত্ত লোক তাদেরও অনেক জমি দখল করে আছে, তারা যে ১০ বৎসর ধরে compensation পাবে তাদের shelter and livelihoodএর জন্য তারা সেই জমির উপরই নির্ভর না করে পাবে না—সে ক্ষেত্রেও তারা যে ১০ বৎসর ধরে compensation পাবে সেটা হতে পারে না। যেমন আমি একটা ঘর করে রেখেছি আমার পুত্রকে দেব ব'লে,—এমন লোক থাকতে পারে; তার protection কোথায়? Government refugeesএর উপকার করতে যাচ্ছেন, but সেটা করছেন at the cost of other persons, এবং আমি emphasis দিয়েই বলছি under the

guise of rehabilitating them shiffling the responsibility on private individual. এই যে cleavage—এর দ্বারা bitternessএর সৃষ্টি হবে। এবং তা যদি হয় Governmentই তার জন্য দায়ী হবেন। Government তাঁদের দায়িত্ব এড়াতে চাচ্ছেন এবং এতে গিয়ে করছেন কিনা—East Bengal and এই West Bengalএর মধ্যে গোলমালের সৃষ্টি। আমি Governmentকে সাবধান করছি;—আমাকে যেন misunderstand না করা হয়। আমি পুঙ্খানুপুঙ্খ সব সমস্ত জিনিষটা ভেবে দেখতে বলি। যারা vested interest, যারা পুঁজিপতি, তাঁদের জন্য বিধান আলাদা করবেন। কোন জিনিষ piecemeal করে শেষ করতে চাইবেন, তা ঠিক নয়। যার জমি যার property তিনি তাঁর proper compensation কতদিনে পাবেন? যাদের বহু জমি আছে তাদের জন্য যে আলাদা বিধান করছেন এই আইনের কোথাও তা নাই। আর একটা কথা, একটা tendency দেখছি—সমস্ত লোককেই কলকাতার আশেপাশে থাকতে হবে কিন্তু আমি আশা করেছিলাম East Bengal থেকে যারা আসবেন তাঁরা গ্রামের মধ্যে থাকবেন, তাঁরা আমাদের কৃষ্টি ও সংস্কৃতি বৃদ্ধি করবেন। (FROM THE GOVERNMENT BENCHES: Hear, hear.) Government থেকে hear hear করবেন না, আপনারা এমন কাজ করেছেন যার জন্য আমাকে আজকে এই সমস্ত কথা বলতে হচ্ছে। যদি সত্য কথা উচ্চারণ না করি তাহলে আমাকে নিজের বিবেকের কাছে সোঁপা হতে হয়, আর আপনারা cheap popularityর জন্য আজকে এই কাজটা করছেন—বাহবা নেবার জন্য করছেন। আপনারা হেসে হেসেই সমস্ত উড়িয়ে দিতে চান। সাধারণ লোকের ঘাড়ে responsibility চাপাতে চান—এর দ্বারা একটা bitternessই সৃষ্টি করবেন East Bengal আর West Bengal peopleদের মধ্যে। আমার আর কিছু বলবার নাই।

**The Hon'ble Dr. RAFIUDDIN AHMED:** Mr. Speaker, Sir, I want just to clear up the two misunderstandings that have cropped up in the course of the consideration of this Bill. One is this, Sir, that some of the members opposite think that they are the sole custodians of the Muslim views and interests. I want to dispute that and I want to say that we on this side of the House are just as much solicitous of the Muslim interests as your friends opposite. Sir, the Bill has been given full consideration and if you kindly look to section 4, you will find that there is a proviso there which lays down distinctly "Provided that no land shall be acquired in pursuance of this section except with the consent of the owner thereof if the owner is entirely dependent for shelter or livelihood on such land". This, I feel, Sir, will remove all those objections that have been pointed out by our friends, the member from Jalpaiguri and the member from Diamond Harbour.

In this connection, I want to point out that yesterday some of the members were solicitous that the prayer time would be infringed, and they would not attend the discussion today. I feel, Sir, I cannot but say that ours is a free country, and we can pray five times a day or not as we like. (Uproar.)

**SJ. SIBNATH BANERJEE:** On a point of order, Sir. You have held repeatedly that when a member is absent it is not fair to make any comments against him. I would request the Hon'ble Minister to reserve his comments on an occasion when they are present.

**The Hon'ble Dr. RAFIUDDIN AHMED:** Nawab Musharruff Hossain is present here, and he mentioned that the Muslims are not represented here. I want to contest that statement by saying that this statement is not correct. Muslims are fully represented here. That is all that I have to say.

**SJ. CHARU CHANDRA BHANDARI:** "Muslim" means a Muslim of the Opposition.

**SJ. SIBNATH BANERJEE:** On a point of personal explanation, Sir, because my name has been dragged into the controversy.

Mr. SPEAKER: Not now.

**Sj. HARIPADA CHATTERJEE :** সভাপাল মহাশয়, আমরা এমন কোন আইন করতে পারি না যে আইন আমাদের Constitution বিরোধী হয়। এবং কথা হচ্ছে আমাদের এই Constitution এ যা যা সন্নিবিষ্ট করে দিয়েছেন সেটা সকল—জাতিধর্মনির্বিশেষে দিয়েছেন। আমি এই কথা সর্বাগ্রে বলব ডাঃ প্রকুল চন্দ্র ঘোষ, ডাঃ সুব্রত বানার্জি, শ্রীযুত শিবনাথ বানার্জি এবং শ্রীযুত জ্যোতি বসু প্রভৃতি বাঙালীদের বসবাস করাতে পারবেন বা যা ব্যবস্থা তাদের জন্য করাতে পারবেন, তার চেয়েও অধিক কিছু করা উচিত। এখানে সংখ্যালঘুদেরও সঙ্গে সঙ্গে নিজেদের উৎখাত বাড়ীঘরে বসবাস করবার ব্যবস্থা করা উচিত। যদি পূর্ববঙ্গে এমন কাণ্ড ঘটে যে সেখানে বাঙালীরা থাকতে পারেন না তাহলে তাঁদের এখানে এনে বাস করাতে আমরা বাধ্য; কিন্তু তার সঙ্গেসঙ্গে এই কথা বলব, মানবতার জন্য যে অধিকার দেওয়া হয়েছে সেই অধিকার যেন এখানে জাতিধর্মনির্বিশেষে সকলেরই রক্ষিত হয়। কিছুদিন পূর্বে আমার জেলায় যা ঘটেছে তাতে আমার জেলার এক সম্প্রদায় লোকের নিরাপত্তা ছিল না। এটা সত্য কথা। সত্যকে সকলের উপর স্থান দিয়ে যখন কথা বলা হয় ভবিষ্যৎ ইতিহাসে সেটার record থাকে। সাময়িক উদ্বেজনার কথা নয়। যা নাকি সত্য তা বলতেই হবে। আমি বলছি protection of personal life and property and right to property ৬ থেকে ৯ নম্বরে আমাদের fundamental right এ যেটা সকলের চেয়ে বড় জিনিষ মনে করি সেইটা আমাদের জেলার বারে বারে নষ্ট হচ্ছে। শুধু আমাদের জেলায় হয়েছে তা নয়, জলপাইগুড়ি জেলাতেও হয়েছে। সেখানেও সংখ্যালঘু লোকদের উপর অত্যাচার হয়েছে, বিশেষ করে আমাদের জেলায় ৪ শত থেকে ৫ শত গ্রাম ধ্বংস হয়েছে। এবং এটা ঠিক যে প্রায় ৪০ হাজার পরিবার তাদের সব ঝুঁয়ে পড়ে বসেছে। আর একটা কাণ্ড দেখছি Evacuee Bill pass করে আমরা ব্যবস্থা করলাম যে এই ৪০ হাজার পরিবারের ভিতর যারা পূর্ববঙ্গ থেকে ফিরে আসছে তারা সঙ্গে সঙ্গেই বসতে পারে আর যারা মুশিনাবাদে গিয়েছে বা নদীয়ারই অন্য গ্রামে গিয়েছে—যখন তাদের ব্যক্তিগত নিরাপত্তা ছিল না—তারা যখন ফিরে আসছে তারা কিন্তু সঙ্গে সঙ্গেই বসতে পারে না। তাদের অপরাধ কি? তারা শত নির্ধ্যাতন সহ্য করে তিনু রাষ্ট্র পাকিস্থানে যায় নি বলে। আমার প্রশ্ন হচ্ছে এই রকম যদি হিন্দু সম্প্রদায়ের উপর হত—majority communityর উপর হত—৫ বাঁনা বা ১০ বাঁনা গ্রাম ভেঙে যেত, ধ্বংস হয়ে যেত তাহলে কি ভয়ঙ্কর হৈটচ না পড়ে যেত? আইন সকলের পৃষ্ঠা সমান ব্যবহার করবে, সকলের জন্য সমান হবে—এই কথা যদি স্বীকার করি তাহলে হিন্দুর গ্রাম ভাঙলেও যে ব্যবস্থা হবে মুসলমানের গ্রাম ভাঙলেও সেই ব্যবস্থাই করতে হবে। আমি ডাঃ আম্বেদের পুনঃ পুনঃ দৃষ্টি আকর্ষণ করেছি, কিন্তু আজ পর্যন্ত কোন ফল পাই নাই।

মাননীয় সভাপাল মহাশয়, এমন অবস্থা ঘটেছে যাতে সংখ্যালঘুদের কাক ধনসম্পত্তি নিরাপদ নেই। কেন্দ্রসরকারী মাসে পাইকারীভাবে অনেককে ধরে নিয়ে গিয়ে হাজতে পোয়া হল। তারপর তাদের অস্থায়ী ধন সম্পত্তি সমুদয়ই দ্রুষ্টিত হল। এমন কি জমিজমা, ঘরবাড়ী তারা হাজতে থাকাকালীন সমস্ত অপরে দখল করে নিল। নাগরিকের ধন সম্পত্তি রক্ষায় সরকারের কি কোন দায়িত্ব নেই? যাদের আশ্রয়ী করা হয়েছিল তারা বেকসুর খালাস হল তারা তখনও নিজেদের ঘরবাড়ী থেকে বঞ্চিত হয়েই রইল। এটা যদি হিন্দুর উপর হত তাহলে কি হত? আমি District Magistrateকে কিশোরপুর ও রামনগরের নির্দিষ্ট ঘটনা সম্বন্ধে বসেছিলাম। তিনি প্রতিশ্রুতি দিয়েছিলেন ৪ দিনের মধ্যে তারা খালাস হয়েছে তাদের ঘরবাড়ী জমিজমা ফেরৎ দেবার ব্যবস্থা হবে; ৪ দিন ছুড়ে ৪ মাস গিয়েছে, ৪ বছরেও হবে কিনা জানি না। তারা তো ভারতীয় নাগরিক; কোথায় সেই ভারতীয় নাগরিকদের দাবী রক্ষিত হচ্ছে? বিশেষ করে সেই সমস্ত লোক যারা সেই নির্ধ্যাতনে পাকিস্থানে যাবনি তাদের সম্বন্ধেই বলব। তারপরে আমি বলেছিলাম মহীমগড়ের মধ্যে একজন গিয়ে দেখে আসুন তাদের কি অবস্থা। তাদের ব্যবস্থা করা আমাদের স্বার্থের দিক থেকে উচিত। নদীয়া ঘটতি অকল। সেখানে প্রায় ১০ লক্ষ একর জমি অনাবাদি পড়ে আছে। চৈত্র মাস যায় বায়, এখনও বদি চাষীরা লাঙ্গল চিরে চাষ না করতে পারে তবে খাবার কি ব্যবস্থা হবে? আমাদের দেশের স্থানীয় লোকেরা চাষ, বাগ্‌ছারাবাদ চাষ ঠিকমত চাষে হিন্দু মুসলমান নিঃশেষে চাষীদের বসান হোক, তাহলেই জেলার উন্নতি হবে। হিন্দু বাগ্‌ছারাবাদের তারা বসাতে চায়, কিন্তু সঙ্গে সঙ্গে তারা চাষ আমাদের দেশের চাষীদের যারা প্রায় সকলেই মুসলমান এবং তারা জংগল কেটে জমি চাষ করতে অভ্যস্ত—যা নাকি সকলে পারেন না, তারা যাতে অনতিবিলম্বে চাষ করবার ক্ষমতা পায় এবং খাড়াবর ফিরে পায়। কিন্তু আশ্চর্যের বিষয় আজ পর্যন্ত তারা সেটা পেল না। বুৎবুৎ করে

বলছি এখানে বলতে গেলে বলবেন বুঝ জিনিষটা বলে যাচ্ছেন, এটা কি প্রকাশ না করলেই হত না? কিন্তু আমি বলছি আজ হোক কাল হোক জিনিষটা প্রকাশ হবেই। হিন্দুর ভারতবর্ষ যারা সবসময় বলছেন তাদের আমি সতর্ক করে দিচ্ছি তাঁরা দেশের সর্বনাশ করছেন। আমি আমার জেলা সম্বন্ধে বলব। আমাদের জেলায় যে কোন অনুষ্ঠানগত লোক চাইছেন আজ যেসব মুসলমান নিজেদের ঘরবাড়ী ছাড়া হয়ে নিরাশ্রয় হয়েছে তারা যেন নিজেদের ঘরবাড়ীতে এসে বসতে পারে—হিন্দুদের যেমন দেওয়া হয় তাদেরও তেমন দেওয়া হোক। তাদের আজ কি অবস্থা। মাঝে একটা শিলাবৃষ্টি গিয়েছে, তাদের মাথা গুজবার জায়গা নেই; শুধু একটা-আধটা জায়গায়ই নয় বহু জায়গায় তারা এইরকম কষ্টে আছে। অস্তিত্ব: clause 3-তে এইরকম ব্যবস্থা করুন—যারা বাস্তহারা হয়েছে এখানকার লোকেরা, তারও এই বিলের স্বযোগ পাবে। Clause 4-তে এমন করতে হবে যারা আমাদের minority তাদের বাড়ী নিতে পারবে না। একজনকে বাস্তহারা করে অপর একজনকে বাস্তহাতে বসান কোন যুক্তির দিক থেকেই সমর্থন করা যায় না।

পাকিস্তানে আজ, বড়ই দুঃখের কথা, সেখানে হিন্দুরা থাকতে পারবে কিনা জানি না। তারা যেভাবে সেখানে খ্রিস্টান রাজত্বের কথা বার্তা সেখানে হিন্দু কেউ থাকতে পারবে কিনা জানি না। সতীন্দ্র সেনের মত নেতারা চেষ্টা করছেন বটে কিন্তু চেষ্টা সম্ভব হবে তা জানি না। পাঠ্য পুস্তকে এরকম সব লেখা হচ্ছে—কংগ্রেস কোন দিন স্বাধীনতার জন্য বড়ই কবেনি, মহাত্মা গান্ধী হিন্দু নেতা ছিলেন। এই রকম হলে তারা সেখানে থাকতে পারবে কিনা জানি না। সেটা হচ্ছে এক কথা। কিন্তু আমরা এখানে আমাদের রাষ্ট্রের Constitution দল্ল করবো সেটা হতে পারে না। তাহলে তাদের চেয়ে ভাল হলো কেমন করে? তারা ভাল হোক বা না হোক আমরা ভাল হব না এটা হতে পারে না। আমরা এখানকার আইন মানব না এটা ঠিক নয়। আমি দাবী করছি এই দিন circulate করা হোক এবং এখনি proviso ঠিক করে দেওয়া হোক যে এটি minority হলে তাতে বাকী কিরিয়ে দিতে হবে। Clause 4-এরকম proviso থাকা উচিত যে minority যদি তাদের জায়গায় ফিরে যেতে চায় তবে সে জায়গা জমি খালি করে দিতে হবে। কোন অস্তিত্ব চলবে না। যদি আমার একখান কেউ মনে করেন পূর্ব বঙ্গের বাস্তহাদের ভালবাগি না, তাহলে আমি নাচাঁর। আমাদের স্বাধীন রাষ্ট্রও আজ আমি একথা বলতে যদি না পারি এবং একজন যদি আমার বুক ভয়ে দুব দুব করে—কাগজে কি বলবে কি বলবেনা এই ভয়ে, তা হলে কর্তব্য করা হবে না। সত্য যা তা বলতে আমি একটুও ইতস্ততঃ করবো না। এই হচ্ছে আমার পুস্তাব, আর সময় নাই ডিনাইট point বলবো।

আমাদের Constitution অনুসারে তাদের দাবী সর্বাত্মক স্থান দিব। দ্বিতীয়, মানবতার দিক দিয়ে দিব। তৃতীয়, নিজেদের কার্যাবলি দিক দিয়ে দিব। যারা ছাড়ভাঙ্গা বাটনি খেটে চাষ করে, আজ চৈত্র মাসে তারা লাঙ্গল পাচ্ছে না। এতে grow more food কি করে হবে? ওনহি নদী তুপতিবাবু সেখানে যাচ্ছেন, বুঝ আনন্দের কথা। পুতেক পানায়—আমি বলছি ১০০টার ভিতর ১০টাও চাষের গরু নেই। কোথায় গেল? বাস্তহাদের ভাগভাবে বসানব পরিকল্পনা পুথর হইতেই করা উচিত ছিল। সংখ্যালঘুদের গৃহে তাদের বসাতে গিয়েই তাদের উপর অবিচার করা হয়েছে। যে অবাধকতা ঘটতে দেওয়া হয়েছে তাতে বাস্তহাদেরও কল্যাণ হয় নি, সংখ্যালঘুদেরও কল্যাণ হয় নি। কিছু দিনের জন্য রাষ্ট্রে কোন শাসনব্যবস্থা ছিল না। এতগুলি গরু বলব গেল কোথায়? সেখানে দেখলে দেখতে পাওয়া যাবে যে সমস্ত দুর্নীতিপরায়ে কর্মচারী তারাই লাভ করেছে। একথা সত্য—আপনারা বর নিম নিজেরা দেখুন তা নইলে কোন রকম রাষ্ট্র ব্যবস্থা থাকবে না সব নষ্ট হয়ে যাবে, পুনরায় আমি সরকারের কাছে আবেদন করছি এ যদি না হয় minority জায়গা জমি যদি ফিরে না পায়, সব বুধা হয়ে যাবে। এবং তাদের অভিযোগে পূর্ববঙ্গের ভাইদের অকল্যাণ হবে এবং দেশেরও কল্যাণ হবে না। সংখ্যালঘুদের রক্ষা করুন নইলে সোভালুজি বনু তোমাদের থাকতে দেব না, চলে যাও। Exchange of population যাতে হয় সে কথা বনুন। দ্বিতীয় চুক্তি পড়ে থাক। আমাদের রাষ্ট্রের যে Constitution তাতে আমি বলতে পারি সংখ্যালঘুদের ঘরবাড়ী, জায়গাজমি কিরিয়ে দিতে হবে। বাস্তহাদের বসান সম্বন্ধ কথা, আমরা, এখানে যে কয়েকলক্ষ বাস্তহারা এসেছে তাদের চেষ্টা করলে জমিজায়গা দিয়ে কিন্তুই আশুর নিতে পারি। ভাই আশুর নিবেদন—আর বিশেষ কিছু বলার নেই—clause 3 and 4-কে পরিবর্তন করুন।

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** Mr. Speaker, Sir. I rise to oppose the motion for circulation principally on two grounds. The

first ground is that if the Bill be circulated then the extremists on both sides, Sir, will come to a conflict and, Sir, it will be idle to expect any reasonable settlement of this question. Sir, it is unfortunately a fact that, after the initiation of the resistance movement on the part of the refugees, there has been a violent reaction of feelings in West Bengal too. There are two extreme views. One view is that the refugees should be permitted to stay where they are and should on no account be displaced from the places which they have come to occupy illegally and the other extreme view is that they should be evicted forcibly if necessary and immediately too. These are the two extreme views that have come to the fore as a result of the resistance movement of the refugees. Now, Sir, if in the present circumstances the Bill be circulated, then further bad blood will be created between the refugees and a section of the permanent residents of West Bengal. Secondly I would object to the circulation of the Bill, Sir, on the ground that this Bill has been very fully considered by all sections of this House. In fact the operative clauses 3 and 4 have been scanned word by word, line by line, and therefore, Sir, we cannot expect that any further improvement is possible even by circulation. My friend Mr. Charu Chandra Bhandari has pointed out that the interests of the displaced Muslims may be in jeopardy if clause 4 as it stands revised be enacted. I think, Sir, he is mistaken because it is fully provided that no land shall be acquired in pursuance of this section except with the consent of the owner thereof and if the owner is entirely dependent for shelter or livelihood on such land.

Now my friend Mr. Haripada Chatterjee has pointed out----

**Mr. JASIMUDDIN AHMED:** On a point of order, Sir. The Hon'ble Minister is referring to certain things which are not in this section. He was referring to some matters as coming within section 4 but there is no such thing in section 4 of the Bill before us.

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** You have not seen probably the revised draft of which notice has been given from this side of the House.

**Mr. JASIMUDDIN AHMED:** I am not concerned with the revised draft. I am concerned with the Bill as presented before the House.

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** The Bill has to be read in the light of the amendments that have been circulated.

**Mr. SPEAKER:** As a matter of fact, so long as the amendment motions are not moved, they are generally not discussed, but the position is that some discussion has already taken place on the basis that the intended amendments will be part of the Bill and will be incorporated in the Bill. When some discussion has already taken place on those lines, I cannot reasonably prevent the Hon'ble Minister from speaking on clause 4 as it would be when the amendments are passed and incorporated in that clause.

**SJ. JYOTI BASU:** On a point of privilege, Mr. Speaker, Sir. We have just been handed another clause 4. I do not know whether this is the old one which was presented to us yesterday or a new one but the date has been put as the 6th April.

**Mr. SPEAKER:** It is a new amendment which has been received today in the morning and we have circulated it to the members.

**SJ. JYOTI BASU:** It is impossible to follow what is happening to a particular clause if new amendments relating to that particular clause are circulated.

**Mr. SPEAKER:** We can discuss this matter when the clauses are taken up.

**Mr. JASIMUDDIN AHMED:** Will you please help us, Sir, to request the Hon'ble Minister to limit his speech within the scope of the provisions of the Bill as it has been presented to us?

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** I believe, Sir, that the new amendment which has been agreed upon between the Government and the Opposition—

**Mr. JASIMUDDIN AHMED:** I am not concerned with the agreement.

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** You may not be but I am speaking on the new draft of clause 4 wherein this proviso appears "Provided that no land shall be acquired in pursuance of this section except with the consent of the owner thereof if the owner is entirely dependent for shelter or livelihood on such land".

If the owner is entirely dependent for shelter or livelihood on the squatted land, as I believe most of the Muslim displaced persons are, then Muslim displaced persons will, I believe, be able to avail themselves of the benefit of this clause and will in fact be benefited by this provision. This proviso has been inserted by the Government on their own initiative just to meet the objection that, so far as this section is concerned, it is not going to benefit the small owners and displaced Muslims. Not only that; there is another point also. My friend Mr. Charu Chandra Bhandari says that the introduction of the compensation clause is not the proper thing simply because he thinks that compensation may be paid at a time or periodically. Sir, so far as the provision for compensation is concerned that sub-clause has been put forward by Mr. Charu Chandra Bhandari's friend in the Opposition. Look at the original clause. There was no provision for compensation. The original clause says: he should not be evicted unless and until Government provides alternative land. That was the original clause. The compensation clause has been introduced at the instance of Mr. Charu Chandra Bhandari's friends—

**SJ. CHARU CHANDRA BHANDARI:** চাকচাক ভাঙারি speech শুভে পারেন নি বলুন।

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** Friends, friends. As regards the suggestion that there should have been a clear provision to except or rather an exception for the benefit of or in favour of the Muslim displaced person that could not have been done outright because of the fact that Article 14 of the Constitution provides that no law should make a distinction between a community and a community. Sir, in framing this Bill we have not considered the question of communal benefit and as it stands everybody will be able to take advantage of this Bill, be he a Hindu or a Muslim—

**Janab MUDASSIR HOSSAIN:** On a point of order, Sir. This Bill was published in the *Calcutta Gazette* in one form and it was then called the Eviction of Persons in Unauthorised Occupation of Lands Bill. Subsequently amendments have been introduced which has altogether changed the character of the Bill. I want your ruling as to whether this can be done.

**Mr. SPEAKER:** You see, Mr. Mudassir Hossain, the consideration motion has been long before us and the reply is now going on. You cannot at this stage raise that point.

**Janab MUDASSIR HOSSAIN:** When you are considering the amendments I think this point may be taken into consideration.

**Mr. SPEAKER:** We are now discussing the motion for consideration, but in the speeches members have referred to certain amendments which could not be actually referred to. Therefore there is no question of any point of order.

**Janab MUDASSIR HOSSAIN:** In the consideration stage not only the original motion of consideration of the Bill but also the consideration of the various amendments that have been tabled is being considered, and speeches are being delivered by both sides on both the amendments and also on the original motion. So what you are now considering is not only the Bill as it was published in the *Calcutta Gazette*—

**Mr. SPEAKER:** What is your point of order? There cannot be a long discussion on a point of order. Please state your point.

**Janab MUDASSIR HOSSAIN:** Sir, my point is that with all the amendments the Bill is now quite a new thing which cannot be the case.

**Mr. SPEAKER:** Now when we are proceeding with this motion for consideration and when so many speeches have been made and the reply is being given, this is not the stage at which you can raise that question.

**Janab MUDASSIR HOSSAIN:** My objection is that in considering the Bill both the amendments and the original motion are being discussed. My point therefore is that with the amendments this is altogether a new Bill which, I think, cannot be taken up and discussed.

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** On a point of order, Sir. The amendments are not before the House.

**Mr. SPEAKER:** So long as the amendments are not moved they are not the property of the House. It is only a general discussion that is taking place. You are discussing the general principles and in discussing that members do refer to certain things. But as a matter of fact general discussion must be confined to general principles of the Bill and not to details. Therefore at this stage no point of order can arise. I hope you will allow the Minister to make his reply.

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** Sir, I have already finished.

The motion of Sd. Charu Chandra Bhandari that the Eviction of Persons in Unauthorised Occupation of Land Bill, 1951, be circulated for the purpose of eliciting opinion thereon by the 15th of June, 1951, was then put and lost.

**Dr. SURESH CHANDRA BANERJI:** Sir, I beg to withdraw my motion.

**Mr. SPEAKER:** Leave has been asked to withdraw the motion. Is there any objection?

**Janab MUSHARRUFF HOSSAIN:** Sir, I object to the motion being withdrawn.

**Mr. SPEAKER:** As objection has been raised, I shall put the motion to vote.



The motion of Dr. Suresh Chandra Banerji that the Eviction of Persons in Unauthorised Occupation of Land Bill, 1951, be circulated for the purpose of eliciting opinion thereon by the 28th June, 1951, was then put and a division taken with the following result:—

**AYES—5.**

Basu, S. Jyoti  
Brahmin, S. Ratanlal  
Jasimuddin Ahmed, Mr.

Molla Mohammad Abdul Halim, Janab  
Musharruff Hossain, Janab

**NOES—43.**

Abdus Shokur, Janab.  
Banerjee, S. Sushil Kumar.  
Barman, the Hon'ble Syama Prasad.  
Bhattacharyya, S. Shyamapada.  
Chakravarty, S. Satish Chandra.  
Chaudhuri, the Hon'ble Rai Harendra Nath.  
Clarke, Mr. C. E.  
Das, S. Radha Nath.  
Dass, S. Kanailal.  
Dolui, S. Harendra Nath.  
Dutt-Mazumdar, the Hon'ble Niharendu.  
Ganguli, S. Bepin Behari.  
Gayen, S. Arabinda.  
Ghose, S. A. K.  
Ghose, S. Bimal Comar.  
Gupta, S. J. C.  
Halder, S. Kuber Chand.  
Mahammad Kased Ali, Janab.  
Mahammad Sayeed Mia, Janab.  
Mahanty, S. Charu Chandra.  
Maiti, The Hon'ble Nikunja Behari.

Majhi, S. Nishapati.  
Majumdar, The Hon'ble Bhupati.  
Mal, S. Iswar Chandra.  
Mallick, S. Ashutosh.  
Mandal, S. Annadaprasad.  
Mandal, S. Bankubehari.  
Mandal, S. Krishna Prasad.  
Mandal, S. Umesh Chandra.  
Misra, Sowrintra Mohan.  
Mookerjee, The Hon'ble Kalipada.  
Mudassir Hossain, Janab.  
Murarka, S. Basantlal.  
Naskar, S. Ardhendu Sekhar.  
Panja, The Hon'ble Jadabendra Nath.  
Poddar, S. Anandilal.  
Pramanik, S. Rajani Kanta.  
Rafuddin Ahmed, The Hon'ble Dr.  
Roy, The Hon'ble Dr. Eidhan Chandra.  
Sen, The Hon'ble Prafulla Chandra.  
Serajuddin Ahammad, Janab.  
Shamsul Huq, Janab.  
Sinha, The Hon'ble Bimal Chandra

The Ayes being 5 and the Noes 43, the motion was lost.

The motion of the Hon'ble Rai Harendra Nath Chaudhuri that the Eviction of Persons in Unauthorised Occupation of Land Bill, 1951, be taken into consideration was then put and agreed to.

*Clause 1.*

**Mr. SPEAKER:** Clause 1, amendment No. 4—Sj. Susil Kumar Banerjee.

**Janab MUDASSIR HOSSAIN:** I rise on a point of order. The amendments cannot be considered because the amendments—

**Mr. SPEAKER:** Let the amendments be moved; then you rise on a point of order. Mr. Banerjee, are you moving amendment No. 4 in the printed list?

**Sj. SUSIL KUMAR BANERJEE:** No.

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** He is not going to move any of the printed list amendments.

**Sj. JYOTI BASU:** Mr. Speaker, Sir, before you proceed with the amendments will you please explain to us as to which paper and which amendment and amendment to amendment are being referred to, because we have got hundreds of papers and we cannot follow.

**Mr. SPEAKER:** The numbering has been given in the different papers which have been circulated from time to time. Now whether it is in the printed list or it is in the cyclostyled list, the numbers are all different.

Therefore you please keep your attention to the number and you will find out which amendment I am referring to. Now, I will request the mover to be more explicit and move it carefully so that the House may be able to follow it.

Now, amendment No. 4A—Sj. Susil Kumar Banerjee. It is in the cyclostyled list.

**Sj. SUSIL KUMAR BANERJEE:** With your permission, Sir, I beg to move the short-notice amendment. I beg to move that in clause 1(I), line 1, after the words "may be called the" the words "Rehabilitation of displaced persons and" be inserted.

**Mr. SPEAKER:** Amendment No. 5—Dr. P. C. Ghosh—in the printed list.

**Dr. P. C. GHOSH:** As that has been moved in the shape of an amendment by the Government Party, there is no necessity on my part to move that. Not moved.

**Sj. SUSIL KUMAR BANERJEE:** Sir, I beg to move that in clause 1(3), line 3, after the word "appoint" the words "and shall remain in force for a period of three years from such date" be added.

**Mr. SPEAKER:** Now there are two amendments before the House, I wish to make it clear, and that is in the cyclostyled form with regard to clause No. 1. Both of them are in the name of Sj. Susil Kumar Banerjee—4A and 5A, and there is no other amendment. Now I am taking up clause 2—printed list.

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** What about clause 1?

**Mr. SPEAKER:** It will become relevant after the other clauses are discussed.

• • • *Clause 2* • • •

**Sj. JYOTI BASU:** Sir, I beg to move that in clause 2(I), lines 2-7, for the words beginning with "but who" and ending with "in West Bengal on or before the 31st day of December, 1950" the words "or the major part of whose dependents was so resident, but who on account of communal disturbances occurring after the 16th of August, 1946, or the fear of such disturbances or for economic reasons left East Bengal to take up residence in West Bengal or evacuated his dependents to West Bengal on or before the 31st day of March, 1950" be substituted.

**Sj. CHARU CHANDRA BHANDARI:** Sir, I beg to move that after clause 2(I) the following new sub-clause be added. —

"(1a) 'displaced person' means a person ordinarily resident in West Bengal, who on account of communal disturbances, leaves, has left or left, after the 15th day of August, 1947, his place of residence in West Bengal for any other place in India and includes legal heirs of such person".

**Sj. SUSIL KUMAR BANERJEE:** Sir, I beg to move that for clause 2(I), the following be substituted, namely:—

"(I) 'displaced person' means any person who in the opinion of competent authority—

(a) was ordinarily resident in East Bengal but on account of communal disturbances occurring after the 1st day of October, 1946, left East Bengal and arrived in West Bengal on or before the 31st day of December, 1950; and

(b) has no land in West Bengal of which he is the owner; and

(c) has affirmed an affidavit filed in the office of the competent authority that he does not intend to return to East Bengal.

*Explanation.*—In this clause ‘East Bengal’ means the territories now comprised in the Province of East Bengal forming part of the Dominion of Pakistan.”

**8j. CHARU CHANDRA BHANDARI:** Sir, I beg to move that in clause 2(1) as proposed to be amended, after the words “to East Bengal” at the end of paragraph (c), the following words be added:—

“or a person ordinarily resident in West Bengal who on account of communal disturbances, leaves, has left, or left, after the 15th day of August, 1947, his place of residence in West Bengal for any other place in India and includes legal heirs of such person”.

**Dr. SURESH CHANDRA BANERJI:** Sir, I beg to move that in clause 2(1), in line 1, after the words “person who” the words “or whose family” be inserted.

**8j. SIBNATH BANERJEE:** Sir, I beg to move that in clause 2(1), in line 1, after the words “any person who was” the words “or whose dependents were” be inserted.

**Dr. SURESH CHANDRA BANERJI:** Sir, I beg to move that in clause 2(1), in line 7, after the figure “1950” the words “and has no land and house in West Bengal of which he is the owner” be inserted.

**8j. SUSIL KUMAR BANERJEE:** Sir, I beg to move that for clause 2(2) the following be substituted, namely:—

“(2) ‘Competent Authority’ means judicial officer not below the rank of a District Judge appointed by the State Government in consultation with the High Court by notification in the *Official Gazette*, to perform the functions of a Competent Authority under this Act for such area as may be specified in the notification”.

Sir, I beg to move that clause 2(3) be omitted.

I also move that to clause 2(5) the following explanation be added, namely:—

*Explanation.*—A person in unauthorised occupation of any land shall not be deemed to be an owner in relation to such land”.

I move that clause 2(7) be omitted.

I move again that in clause 2(8), lines 3 and 4, for the words “having any lawful claim to such use or occupation” the words “being authorised in writing by the owner” be substituted.

(There was some disturbance in the House at this stage.)

**Mr. SPEAKER:** Order, please. There are so many lists of amendments that if there is disturbance in the House there might be mistakes and amendments may be left out through oversight.

**8j. JYOTI BASU:** Sir, what about the point of order regarding clause 1?

**Mr. SPEAKER:** So far as clause 1 is concerned, until all other clauses are passed by the House that does not become relevant. Therefore it will be held over for the present.

Any member who wants to speak on this clause may do so now.

**SJ. JYOTI BASU:** Sir, I have very little to add to what I said yesterday but with regard to this particular clause the main points which I wish to stress are these that the dates should be changed, i.e., it should be 16th August, 1946, and not sometime in October as suggested by Government, because my amendment covers certain people who have come away from East Bengal after the riots in Calcutta. The second reason is that I wish to extend the date from December—suggested by Government—to 31st March, 1951, because refugees have been coming from East Bengal off and on and we would like to cover in this Bill as many of them as possible. That is why I have suggested this particular date.

Now, Sir, Government is trying to make out that the suggestion made by them with regard to this particular clause that even without the words “family or dependants” this would cover all the people even if they were in East Bengal and have now come over to West Bengal, because anybody could apply to the competent authority, but I think difficulties may arise and therefore I have tried to describe the people who should be included in the definition. I am not satisfied with the explanation given by the Government. That is all I wish to say.

**Th Hon'ble Rai HARENDRA NATH CHAUDHURI:** Sir, I oppose all the amendments—

**Dr. SURESH CHANDRA BANERJI:** Sir, I want to speak on this amendment

**Mr. SPEAKER:** I have already called the Hon'ble Minister. The honourable members ought to have been more alert. However you can speak.

**Dr. SURESH CHANDRA BANERJI:** Sir, I want to speak on amendment No. 10A. আমি এখানে “or whose family” insert করতে চাই। পূর্ব বঙ্গের এমন বহু লোক যাতে তারা চাকরি করতো পশ্চিম বঙ্গে কিছু তাদের পরিবার থাকতো পূর্ব বঙ্গে। এখন সাম্প্রদায়িক হাঙ্গামার পর, তাদের পরিবার পূর্ব বঙ্গে ছেড়ে পশ্চিম বঙ্গে এসেছে। তাই family কথাটা যদি add না করা হয় identity clear হয় না। এই pointটা পরিষ্কার করার জন্যই এট amendment এনেছিলাম। আমার যতদূর মনে পড়ে তাঃ রায়ের সঙ্গে যখন কথা হয়েছিল তিনিও এতে agree করেছিলেন। যা mean করা হয়েছিল পরিষ্কার করে Billএ থাকা উচিত। Governmentকে অনুরোধ করছি কথাবাতায় তাঁরা যা বলেন নিষেধ করেন তাঁরা এ বলেন যেন তা পরিষ্কার করে দেন।

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** Sir, it is difficult if I am told at every stage that we have agreed to this and that. That is neither here nor there. It is true that Dr. Banerji has asked me to consider whether after the words “persons who” the words “or whose family” should be inserted. I agreed to consider this, and then I found that while he is considering the case of a person who is here and whose family is there, it might be in the reverse way: the gentleman may be on the other side acting or working there in East Bengal and his family may come over. If you say “whose family” then the word “whose” would mean the gentleman on the other side who is working in East Pakistan, and there would be a great deal of difficulty as to how his family could be considered to be displaced persons. Therefore, my suggestion was that any person whether he belongs to a family or not, whether he is a dependant or not, can always say, “I am so and so”. That is all that is necessary. Why then bring in the word “family” and tie the person to somebody else? Dr. Banerji is thinking of a person who is working here and whose family is there, and I am saying of a person who is there and whose family is here. Then I would say, in the case of a brother or a nephew of a family of persons if they are

Pakistani subjects, why do you want to claim anything for them under this Bill? All these legal difficulties may arise. I have had discussions with my legal advisers on this point and they say that every one has got the right to say that he is a displaced person. Why then tag one person to another and say a family?

**BJ. SIBNATH BANERJEE:** Sir, my amendment is a little bit different. It is surprising to hear from Dr. Roy as regards what was agreed to and what was not, that that is neither here nor there. It is here in the statement that has been issued by him. As regards the definition of *bona fide* refugees the amendment is that "a disposal person" "or whose family", etc., etc. That is all agreed to. The proof is there. But whether Dr. Roy's proposal is an improvement or whether it will exclude a set of persons—I am not quite clear. The form which we have suggested is that either "his dependents" or "whose family" should be there, and I do not think, by that anybody could be excluded. We might draw a distinction between those who are staying in Pakistan for business or service but whose family is here either for safety or for other reasons and those who have not to depend on his salary only but helped by the family income. When they come, they become a further burden. That is a difficulty that has to be considered. But I repeat that already there is one safeguard that if that man has already a house in West Bengal, we do not want to cover him. Only in cases where a man is working here and has no house but has a house in East Bengal, we want to protect those unfortunate people. Therefore I appeal to Government to accept our amendments and finish this controversy.

**BJ. CHARU CHANDRA BHANDARI:** মাননীয় স্পীকার মহাশয়, আমি যে amendment দু'টি দিয়েছি তাহার মধ্যে "displaced person" means a person ordinarily resident in West Bengal, etc., add করবার জন্য দিয়েছি। Former amendmentsএ বলা হয়েছিল আগে যে refugee বলে তাদের definition ছিল সেজন্য আমরা West Bengal displaced Muslim যাতে included হয় যে amendment move করছি। Sushil Babu কর্তৃক refugeeএর amendment বদলে আর একটি amendment move করা হয়েছে সেইজন্য এই amendment আর move করছি না। 7(টা) press করছি এই জন্য যে এই clauseএ আছে that in clause 2(f) as proposed to be amended by amendment No 7B, after the word "to East Bengal" at the end of paragraph (c), the following words be added—

"or a person ordinarily resident in West Bengal who on account of communal disturbances, leaves, has left or left, after the 15th day of August, 1927, his place of residence in West Bengal for any other part in India and includes legal heirs of such person".

দ্বিতীয়তঃ, আমি displaced personএর definition সম্বন্ধে পূর্বে বাস্তব থেকে যাবা এসেছিল তারা এবং পশ্চিম বঙ্গের যাবা displaced হয়েছে তাদের include করা চাই। এজন্য তাদের protection দেওয়ার জন্য clause 4এ একটি proviso move করে তাদের protection দেওয়া চাই। Displaced person in West Bengal তাহাও included হবে। আমি কোন্ amendment move করছি এটা obvious. সরকার পক্ষকে অনুরোধ করি তারা যেন এটা গ্রহণ করেন তা'হলে displaced Muslimকে আলাদা protection দেওয়া যাবে।

**Dr. SURESH CHANDRA BANERJEE:** আর একটি amendment আবার আছে সেখানে বলা হয়েছে after the figure 1950 the words "and has no land and house in West Bengal of which he is the owner" be inserted. স্বাধীন বাবু যে amendment দিয়েছেন তার অর্থাৎ পূর্বে বঙ্গের কোন লোকের যদি পশ্চিম বঙ্গে কোন জায়গা থাকে তবে তাকে displaced person বলে বিবেচনা করা যাবে না। শুধু জায়গা থাকলেই চলে না। হরত কারও দুই বিঘা জমি থাকতে পারে

সেখানে "who has no land and house" এটা বিশদভাবে স্পষ্ট হওয়া দরকার। Government-এর পক্ষ থেকে হয়তো বলা হয় land includes house. এ যদি গভর্ণমেন্টের মনে থাকে তাহলে Government-এর নিকট আশা এই অনুরোধ তারা এই কথাটা এই বিলে পরিষ্কার করে দিল, তা নাহলে এ নিয়ে ভবিষ্যতে গোলমাল উপস্থিত হবে। অতএব এটা পরিষ্কার করে দেওয়া দরকার। তাই আমি add করেছি "and has no land and house in West Bengal of which he is the owner."

**SJ. DEBENDRA NATH SEN:** Mr. Speaker, Sir, the explanation given by the Hon'ble Chief Minister for not accepting the amendment for inclusion of "or whose family" after the word "who" does not seem to be very convincing, because our experience is that just at present if a person is here and is not a refugee and if his family come who are refugees, then they generally do not get the help which Government provides for the refugees on the ground that the head of the family or one of their family was here. That difficulty may arise again. The difficulty which the Hon'ble Chief Minister has referred to that 'A' may be there and his family may be here, that difficulty may arise; but such cases will be very few. And for giving consideration to those few persons I do not think that this amendment of Dr. Banerji should be objected to, because it has given rise to a great apprehension in the minds of the refugees that under this loophole many people who really need help and who are entitled to help would not get that help. I would therefore request that the amendment moved by Dr. Banerji be accepted.

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** Sir, with regard to Mr. Bhandari's suggestion that another clause be added that those who are residents in West Bengal on account of, etc., the whole conception of this Bill is otherwise. The words "*bona fide* refugees" or "displaced persons" such as is provided for in the Bill refer to those who have come from East Bengal to West Bengal and for which the Government of India today are prepared to give monetary help. Sir, with regard to any person moving from one part of West Bengal to another part of the Indian Union, whether inside West Bengal or outside it, is a matter which is entirely for the State Government's function so far as finances are concerned. This particular provision, therefore, is absolutely out of place in a scheme such as we have here today and if necessary, as I have indicated yesterday, these cases might be taken up at a later stage either in the form of a Bill or in any other form of legislation for providing for such cases if we cannot provide for such cases from our own funds. Therefore, Sir, I oppose this amendment.

With regard to the observation from my friend S. J. Debendra Nath Sen, I am afraid while he may be in possession of the labour position he does not know the present position. Large number of Hindus are now residing in East Bengal who have sent their families here—not one, not two, but hundreds and thousands—whereas those who are here and whose families are there, most of the families have come away from East Bengal, so that the second group that I refer to is a larger group than the first. Therefore, after a very great deal of consideration we dropped the words "or whose family or dependant".

About the land and house, the difficulty is that a man may have a land and not a house, ordinarily cultivating land; he has got some means of livelihood. Therefore why should he get in here? If he has no land or house, I could have understood it. A man may have land—a house means of course land—but if you say land and house, there are large number of persons who have got only cultivating land and not house who will be out of this picture. Secondly, Sir, the word "land", as I have said before, in the

provisions of the Land Acquisition Act means land and building. I have seen it myself and satisfied myself and my lawyer friends as well as legal advisers have also said that land as has been defined in the Act includes land and building leaving it open in a particular place whether the land is in his possession or the land and house is in his possession. Therefore, I do not think that amendment is in place.

**Mr. SPEAKER:** I am putting to vote the amendment of Sj. Charu Chandra Bhandari No. 7C in the cyclostyled list.

The motion of Sj. Charu Chandra Bhandari that in clause 2(I) as proposed to be amended, after the words "to East Bengal" at the end of paragraph (c), the following words be added:—

"or a person ordinarily resident in West Bengal who on account of communal disturbances, leaves, has left or left, after the 15th day of August, 1947, his place of residence in West Bengal for any other place in India and includes legal heirs of such person"

was then put and a division taken with the following result:—

#### AYES—13.

Bandopadhyaya, Sj. Pramatha Nath.  
Banerjee, Sj. Sibnath  
Banerji, Dr. Suresh Chandra  
Basu, Sj. Jyoti  
Bhandari, Sj. Charu Chandra.  
Brahmin, Sj. Ratanlal  
Chatterjee, Sj. Haripada.

De, Sj. Kanai Lal.  
Ghosh, Dr. P. C.  
Jasimuddin Ahmed, Mr.  
Molla Mohammad Abdul Halim, Janab  
Musharruff Hossain, Janab  
Sen, Sj. Debendra Nath

#### NOES—41

Abdus Shokur, Janab.  
Banerjee, Sj. Sushil Kumar.  
Barman, the Hon'ble Syama Prasad.  
Bhattacharyya, Sj. Shyamapada.  
Chakravarty, Sj. Satish Chandra.  
Chaudhuri, the Hon'ble Rai Harendra Nath.  
Clarke, Mr. C. E.  
Das, Sj. Radha Nath.  
Dass, Sj. Kanailal.  
Dolul, Sj. Harendra Nath.  
Dutt-Mazumdar, the Hon'ble Niharendu.  
Ganguli, Sj. Bepin Behari.  
Gayer, Sj. Arabinda.  
Ghose, Sj. Bimal Comar.  
Gomes, Mr. D.  
Gupta, Sj. J. C.  
Halder, Sj. Kuber Chand.  
Mahammad Kased Ali, Janab.  
Mahammad Sayeed Mia, Janab.  
Mahanty, Sj. Charu Chandra.

Maiti, The Hon'ble Nikunja Behari.  
Majhi, Sj. Nishapati.  
Majumdar, The Hon'ble Bhupati.  
Mal, Sj. Iswar Chandra.  
Mallick, Sj. Ashutosh.  
Mondal, Sj. Annadiprasad.  
Mondal, Sj. Bankubehari.  
Mondal, Sj. Krishna Prasad.  
Mondal, Sj. Umesh Chandra.  
Misra, Sj. Sowindra Mohan  
Mookerjee, The Hon'ble Kalipada.  
Murarka, Sj. Basantlal.  
Naskar, Sj. Ardhendu Sekhar  
Panja, The Hon'ble Jadabendra Nath.  
Poddar, Sj. Anandilal.  
Pramanik, Sj. Rajani Kanta.  
Rahuddin Ahmed, The Hon'ble Dr.  
Roy, The Hon'ble Dr. Bidhan Chandra.  
Sen, The Hon'ble Prafulla Chandra.  
Shamsul Huq, Janab.  
Sinha, The Hon'ble Bimal Chandra

The Ayes being 13 and the Noes 41, the motion was lost.

(While motion No. 7B of Sj. Susil Kumar Banerjee was being put to vote.)

**Dr. P. C. GHOSH:** On a point of order, Sir. I think Dr. Banerji's motion No. 10A should be taken first, because he was covering the whole clause. (Sj. ANANDILAL PODDAR: That has been taken.) No; only Sj. Charu Chandra Bhandari's motion has been taken and not Dr. Banerji's motion.

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** I too think so, Sir. The motions of Dr. Banerji and Sj. Sibnath Banerjee should be taken first and then the Government amendment.

**Mr. SPEAKER:** All right.

The motion of Dr. Suresh Chandra Banerji that in clause 2(I), in line 1, after the words "person who" the words "or whose family" be inserted, was taken put and a division taken with the following result:—

#### AYES—11.

Bandopadhyaya, Sj. Pramatha Nath.  
Banerjee, Sj. Sibnath  
Banerji, Dr. Suresh Chandra.  
Basu, Sj. Jyoti.  
Bhandari, Sj. Charu Chandra.  
Brahmin, Sj. Ratanlal.

Chatterjee, Sj. Haripada.  
Chowdhury, Sj. Annada Prosad.  
De, Sj. Kanai Lal.  
Ghosh, Dr. P. C.  
Sen, Sj. Debendra Nath.

#### NOES—38.

Abdus Shokur, Janab.  
Banerjee, Sj. Sushil Kumar.  
Barman, the Hon'ble Syama Prasad.  
Bhattacharyya, Sj. Shyamapada.  
Chaudhuri, the Hon'ble Rai Harendra Nath.  
Clarke, Mr. C. E.  
Das, Sj. Radha Nath.  
Dass, Sj. Kanailal.  
Dolui, Sj. Harendra Nath  
Dutt-Mazumdar, the Hon'ble Niharendu.  
Ganguli, Sj. Bepin Behari.  
Gayen, Sj. Arabinda.  
Gomes, Mr. D.  
Gupta, Sj. J. C.  
Haldar, Sj. Kuber Chand.  
Mahammad Kased Ali, Janab.  
Mahammas Sayeed Mia, Janab.  
Mahanty, Sj. Charu Chandra.  
Maiti, The Hon'ble Nikunja Behari.

Majhi, Sj. Nishapati.  
Majumdar, The Hon'ble Bhupati.  
Mal, Sj. Iswar Chandra.  
Mallick, Sj. Ashutosh.  
Mandal, Sj. Bankubehari.  
Mandal, Sj. Krishna Prasad.  
Mandal, Sj. Umesh Chandra.  
Misra, Sj. Sowrindra Mohan  
Mookerjee, The Hon'ble Kalipada.  
Murarka, Sj. Basantlal.  
Naskar, Sj. Ardhendu Sekhar  
Panja, The Hon'ble Jadabendra Nath.  
Poddar, Sj. Anandlal.  
Pramanik, Sj. Rajani Kanta.  
Rafuddin Ahmed, The Hon'ble Dr.  
Roy, The Hon'ble Dr. Bidhan Chandra.  
Sen, The Hon'ble Prafulla Chandra.  
Shamsul Huq, Janab.  
Sinha, The Hon'ble Bimal Chandra

The Ayes being 11 and the Noes 38, the motion was lost.

The motion of Sj. Sibnath Banerjee that in clause 2(I), in line 1, after the words "any person who was" the words "or whose dependants were" be inserted, was then put and lost.

The motion of Dr. Suresh Chandra Banerji that in clause 2(I), in line 7, after the figure "1950" the words "and has no land and house in West Bengal of which he is the owner" be inserted, was then put and lost.

The motion of Sj. Jyoti Basu that in clause 2(I), lines 2-7, for the words beginning with "but who" and ending with "in West Bengal on or before the 31st day of December, 1950," the words "or the major part of whose dependents was so resident, but who on account of communal disturbances occurring after the 16th August, 1946, or the fear of such disturbances or for economic reasons left East Bengal to take up residence in West Bengal or evacuated his dependents to West Bengal on or before the 31st day of March, 1950," be substituted, was then put and lost.

The motion of Sj. Charu Chandra Bhandari that after clause 2(I) the following new sub-clause be added:—

"(1a) 'displaced person' means a person ordinarily resident in West Bengal, who on account of communal disturbances, leaves his place of residence on or after the 15th day of August, 1947, his place of residence in West Bengal for any other place in India and includes legal heirs of such person", was then put and lost.



The motion of S<sub>j</sub>. Susil Kumar Banerjee that for clause 2(1), the following be substituted, namely:—

“(1) ‘displaced person’ means any person who in the opinion of Competent Authority—

(a) was ordinarily resident in East Bengal but on account of communal disturbances occurring after the 1st day of October, 1946, left East Bengal and arrived in West Bengal on or before the 31st day of December, 1950; and

(b) has not land in West Bengal of which he is the owner; and

(c) has affirmed in an affidavit filed in the office of the Competent Authority that he does not intend to return to East Bengal.

*Explanation.*—In this clause ‘East Bengal’ means the territories now comprised in the Province of East Bengal forming part of the Dominion of Pakistan”.

was then put and agreed to.

The motion of S<sub>j</sub>. Susil Kumar Banerjee that for clause 2(2) the following be substituted, namely:—

“(2) ‘Competent Authority’ means a judicial officer not below the rank of a District Judge appointed by the State Government in consultation with the High Court by notification in the Official Gazette to perform the functions of a Competent Authority under this Act for such area as may be specified in the notification”.

was then put and agreed to.

The motion of S<sub>j</sub>. Susil Kumar Banerjee that clause 2(3) be omitted, was then put and agreed to.

The motion of S<sub>j</sub>. Susil Kumar Banerjee that to clause 2(5) the following explanation be added, namely:—

“*Explanation.*—A person in unauthorised occupation of any land shall not be deemed to be an owner in relation to such land”.

was then put and agreed to.

The motion of S<sub>j</sub>. Susil Kumar Banerjee that clause 2(7) be omitted, was then put and agreed to.

The motion of S<sub>j</sub>. Susil Kumar Banerjee that in clause 2(8), lines 3 and 4, for the words “having any lawful claim to such use or occupation” the words “being authorised in writing by the owner” be substituted, was then put and agreed to.

The question that clause 2, as amended, was then put and agreed to.

### Clause 3.

**S<sub>j</sub>. JYOTI BASU:** Sir, I beg to move that in clause 3(2), line 6, for the word “thirty” the word “sixty” be substituted.

Sir, I beg to move that in clause 3(2), lines 7 and 8, the words beginning with “and pay to the owner” and ending with “occupation” be omitted.

Sir, I beg to move that in clause 3(3), lines 6 and 7, for the words beginning with “and to pay” and ending with “fit to assess” the words “after providing for reasonable arrangements for the lodging of the person concerned” be substituted.

**Sj. J. C. GUPTA:** Sir, I beg to move that the following sub-clause be added to clause 3 after sub-clause (4), namely:—

“(5) The Competent Authority may, on a sworn application made by any displaced person for refund of money obtained from such person by any person without lawful authority for allotment of land for unauthorised occupation, order refund of such sum as it may think just:

Provided that no order shall be made without giving the person against whom such claim is made an opportunity of being heard and in case the allegations are found false and frivolous may take such steps against such person as may seem fit and proper”.

**Sj. SIBNATH BANERJEE:** Sir, beg to move that in clause 3(1), line 3, after the words “of the land” the words “and similarly any displaced person also may make application for settling the amount of rent” be inserted.

**Sj. SUSIL KUMAR BANERJEE:** Sir, I beg to move that to clause 3(1) the following proviso be added, namely:—

“Provided that no such application shall be entertained by the Competent Authority if the unauthorised occupation commenced before the 1st day of October, 1946”.

Sir, I beg to move that in clause 3(2), line 7, for the word “damages” the word “compensation” be substituted.

Sir, I beg to move that in clause 3(3), line 1, for the word “shall” the word “may” be substituted.

Sir, I beg to move that in clause 3(3), line 5, after the words “such time” the words “, not being less than thirty days from the date of the order,” be inserted.

Sir, I beg to move that in clause 3(5), line 6, for the words “damages” the word “compensation” be substituted.

Sir, I beg to move that in clause 3(5), line 7, after the word “assess” the words “keeping in view the letting value of the land as well as the actual pecuniary loss, if any, sustained by the owner” be added.

Sir, I beg to move that in clause 3(5) the following proviso be added, namely:—

“Provided that if in the case of an application which the Competent Authority can entertain it is of opinion after enquiry made under sub-section (2) that the case should be tried by a civil court, it shall not proceed further with the application and shall refer the parties to a civil court”.

Sir, I beg to move that for clause 3(4) the following be substituted, namely:—

“(4) If any person against whom an order under sub-section (3) has been made directing him to vacate the land, refuses or fails to vacate the land within the time fixed by the Competent Authority, the order may be executed in the manner prescribed”.

**Sj. DEBENDRA NATH SEN:** Sir, I want to move an amendment to amendment No. 33A moved by Sj. Susil Kumar Banerjee.

**Mr. SPEAKER:** Have you supplied a copy of your amendment?

**Sj. DEBENDRA NATH SEN:** No, Sir. I could not do that.

Sir, I beg to move that in the proposed amendment of S<sup>j</sup>. Susil Kumar Banerjee, line 1, after the words "keeping in view" the words "the capacity of the person to pay" be added.

**Mr. SPEAKER:** You see if any member wants to move an amendment he should give a copy of the amendment to office in time.

**S<sup>j</sup>. JYOTI BASU:** Mr. Speaker, Sir, the points which I wish to make with regard to the amendments which I have suggested regarding this particular clause 3 are as follows. It is true that in this particular section we are talking about eviction of unauthorised persons, but as a new legislation is being brought forward, there may be people who have occupied land in an unauthorised manner and who would be border line cases, i.e., under a misconception they have occupied such land although according to the definition which might be accepted when this Bill is passed they will not fall within that particular definition. So, it will be rather difficult for them if only one month's time—30 days' time—is given to them to leave this particular land as they do not fall within that definition. So, I have suggested that more time may be given to them so that in case they have to leave this land, they can look for other houses where they may remove themselves and their families.

Secondly, I suggest, in regard to the section which says that they must pay damages for unauthorised occupation, that this should not be included in this particular clause because it would be impossible for them to pay damages. I am sure, the people, who have under a misconception occupied other people's lands and who would not be covered by the definition which is being given of refugees, are not in a position—they are poor people and they would not be in a position to pay damages. So, I have suggested that this cannot be done and if any damages are to be paid, they can be paid by the Government. That is why I have suggested my amendment.

Lastly, I have suggested that instead of throwing them into the streets—because it was under certain historic circumstances that they occupied such lands—they should be provided with, or shown some other place where they might take shelter with their families because if it was only a question of a single person or a single individual, there would not be much difficulty, but there are people who would not fall within the definition of a displaced person but yet who have with their families occupied such lands in an unauthorised manner. Even with regard to such people I have suggested that other arrangements may be made for them where they may remove their families.

Sir, that is the purport of my amendments.

**S<sup>j</sup>. J. C. GUPTA:** Mr. Speaker, Sir, I have moved this amendment which contemplates redress for the defrauded persons amongst the helpless refugees and displaced persons in a summary way when they can ill-afford the expenses involved in litigation in an ordinary court. Many of us—if not the whole House—are aware that to add to the misery of these displaced persons some unscrupulous persons have deprived them of money by various pretences. For instance, some of these displaced persons were taken to a place, say, in Tollygunge, they were shown a map saying that these are the plots available and money was taken from them. In some cases, displaced persons have parted with all their savings in order to get lands for their shelter and it has been found out that those lands did not belong to the person nor had he any authority to offer those lands to such displaced persons. I have, therefore, suggested this amendment. Many of these displaced persons approached me saying that by a provision like section

25 of the Security Act many people could recover their residences and shops without having to go to court, and they requested me that as I introduced section 25 why should not I introduce a similar summary remedy for the aggrieved displaced persons. I have in response to that appeal tabled this amendment. I have also provided for safeguards against false and frivolous allegations. I have provided that when an application is made before the competent authority, he shall give an opportunity to the person against whom the claim is made to show cause against the claim. I have further provided that if that application which has got to be made on an affidavit is found to be false and frivolous, steps may be taken against them. I expect that the Ministry will accept my amendment and the whole House will give their approval to this clause which provides a remedy for the displaced persons who have been defrauded.

Sir, I do not think I need add anything more to it.

**Sr. SIBNATH BANERJEE:** Sir, the amendment that I have moved only gives the displaced person a right to move the competent authority. Now, the owner of the land can move the competent authority and, of course, Government can, but it may so happen that the owner of the land may have something in his sleeves. He may not approach the competent authority. He may sell it surreptitiously or he may do any of the other things that the capitalists are capable of doing and quite competent to do and cleverly do. The displaced person himself is absolutely at the mercy of the owner. When he will move the Government, then he will be fixed up, otherwise he reminds in an unsettled condition even after the passing of the Bill. The small amendment that I have given gives him a right also to move and not to wait indefinitely for the owner of the land or the owner of the house to move the competent authority. This is a simple matter and I do not think I need elaborate on that.

Now, regarding one or two other points I would like to say. Regarding damages, they are not able to pay and it will be admitted by everybody that they may remain on paper but they will not be available for the owner of the land. If there has been any damage, Government from the Development Fund can make up the damage of the owner and it should not be that he should leave the land and, on the top of that, he has to pay damages. Naturally, it will be very hard on him. Therefore, that should not be insisted upon.

Regarding the point raised by Sri J. C. Gupta, on principle I have nothing against it. But it should also be considered, as I said yesterday, that the Government and the whole country should be grateful to the refugees that they rehabilitated themselves without help and support and in spite of the opposition of the law and order section of the Government. I think these persons—against whom some people have a grudge—have done a social service. They had no authority to distribute land but they did so, and because of that, colonies have grown up. Today Government feel that it is a good thing because otherwise so many people would have been on their shoulders round about and, therefore, they have done a social service, I should say. If anybody has taken money by false pretence and has not done anything for the refugees, of course, these cases are bad cases and they are really cheats and they should be dealt with as such. But in most of the colonies, they had nothing to do. People could not go about, they could not go to the Auckland House, they could not go to Dr. Roy's house, they did not possess even the tram fare. They got some money from the refugees. If there was any irregularity about it, that can be looked into. Otherwise, without the fund from the refugees, these organisations could not grow up and the resistance that they have put up would not have been possible.

In every case, the police came and there were arrests and they had to be bailed out. So, they had to raise funds. And therefore to come like this and attacking all of them that they allotted land for unauthorised occupation—that is known to Government. But that was done and today Government is recognising that position. That being so, they should not be charged. Of course if they have taken money from somebody and have not allotted land according to the prevailing system there, then that is cheating. I concede that, but ordinarily in colonies there was a system like that. In some places it was first of all Rs. 2, sometimes Rs. 5 and sometimes Rs. 25 and with that money they have developed the roads, constructed hospitals, schools, colleges, tube-wells, etc.—all this they have done. Now if a provision like this is introduced here, that will be doing injustice to them. I concede that they did unauthorised work, encouraged people to occupy unauthorised lands belonging to others. Today Government has recognised that it was inevitable; otherwise many would have perished; therefore what they have done is not going altogether to be condemned. I don't know whether Government is going to accept this—I would not waste the time of the House—but if the Government accepts it, then I submit that there should be some provision that those who acted honestly, they may not be trapped in this wide provision, because it is admitted that they did something which was according to the law then wrong, but today Government have recognised that what they have done was necessary. It was illegal at that time, but today it is legal, and, as such, for the social service they have done they should not be victimised.

**SJ. DEBENDRA NATH SEN:** Sir, the amendment that I have moved in connection with clause 3 seems to be not very much relevant.

**MR. SPEAKER:** You want to withdraw it?

**SJ. DEBENDRA NATH SEN:** Yes, Sir

**SJ. CHARU CHANDRA BHANDARI:** মাননীয় স্পীকার মহাশয়, স্থানীয় বাই clause 3(3)তে যে amendment move করছেন তার উপর আমি কিছু বলতে চাই। এই amendmentটা হচ্ছে that to clause 3(3) the following proviso be added, namely, "Provided that if in the case of an application which the Competent Authority can entertain it is of opinion after enquiry made under sub-section (2) that the case should be treated by a Civil Court, it shall not proceed further with the application and shall refer the parties to a Civil Court." এই সম্পর্কে আমি একটি বিষয়ে দৃষ্টি আকর্ষণ করতে চাই। এই বিলের Object and Reasonsএ বলা হয়েছে "The usual proceedings for eviction of these trespassers through Civil Courts are expensive, dilatory and harassing to the parties concerned and may also cause great hardship to the refugees unless they can get lands for their resettlement." এখানে যে উদ্দেশ্যে এই extraordinary procedure সম্পর্কে, বিল আনয়ন করা হল, সেটা এই amendmentএই শেষ করা হ'ল। অর্থাৎ Competent Authority কোন্ জায়গায় এবং কোন্ কোন্ কারণে এই Civil Courtএ matterটা refer করবেন তার কোন কারণ দেওয়া হয় নাই। এই, এই ব্যাপার হল—জটিল, অজটিল বা simple হলে, তার বিচার ভাড়াভাড়া হয়ে যাবে এমন কোন বিধানের কথা এতে নাই। তাকে শুধু একটা statutory ক্ষমতা দেওয়া হ'ল, তিনি ইচ্ছা করলে partiesদের Civil Courtএ দিয়ে দেবেন। কিন্তু Civil Courtএ কোন্ কোন্ ক্ষেত্রে তাঁরা দেবেন এটা গভর্নমেন্টের পক্ষ থেকে explain করা হয় নাই। অতএব আমরা ধরে নিতে পারি বহু ক্ষেত্রেই তাঁরা Civil Courtএ দিয়ে দেবেন। এর দ্বারা একদিকে যেমন refugeesরা বচবেব পর্ব বচব ধ'বে harassed হতে থাকবেন অপর দিকে তেমনি owner of the land, তাঁরাও একটা uncertain অবস্থার মধ্যে পড়ে harassed

হবেন। কাজেই Civil Courtএ কোন অবস্থায়, কখন refer করা হবে সেটা mention করা উচিত ছিল। সুতরাং এই আইনটা আনবার কোন প্রয়োজন ছিল না। কারণ প্রত্যেকের একটি আইনত অধিকার আছে যে যদি কেউ unauthorisedভাবে কোন land occupy করে তা'হলে তাকে Civil Courtএর মাৰফত evict করা যায়। এই যে amendment এতে এক হাতে তা'বা যা দিলেন, অপর হাতে সেটা আবার নিয়ে নিলেন—অতএব এই বকম amendment হওয়া উচিত নয়। যদি গভর্নমেন্ট side থেকে এই suggestion accept করা হয় তা'হলে ব্যাপার আরও ভীতন হয়ে পড়বে।

কোন কোন ক্ষেত্রে caseগুলি দেওয়ানী কোর্টে দেওয়া হবে আর কোন কোন ক্ষেত্রে দেওয়া হবে না এটা তারা বলুন। তা'বা একটা কথা বলুন yes বা no. এটা তার কাছে বলা সোজা যতই complicated case হোক। তাই এই amendmentএর কোন প্রয়োজন আছে বদে আমি মনে কবি না। এই amendment যদি গৃহীত করা হয় তাহলে সমস্ত ব্যাপার আরও ভীতন হয় হয়ে উঠবে, এবং কখনও ownerএর বিরুদ্ধে, ও refugeeদের পক্ষে আবার হয়ত কখনও ownerএর পক্ষে ও refugeeদের বিরুদ্ধে মত প্রকাশ করা হবে এবং and it will make the matter worse.

তা'ই আমি অনুবোধ কবি এই amendment গুলে দিন। Civil courtএ caseগুলি দিলে ১৮-২০ বছর বেগে যাবে এবং তাতে একদিকে owners of the land, তা'বা affected হবেন; on the other hand refugeeরাও এই ১৮-২০ বছর ধরে একটা uncertain অবস্থায় মরবে থাকবে।

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** Sir, with regard to the amendment of Mr. Jyoti Basu when he was talking about payment of damages or compensation and increasing the days from 30 to 60 may I point out to him that section 3 does not refer to the ordinary displaced persons who are governed by section 4? In case of those who are occupying lands, those who are not displaced persons and there are many of them, it is only in those cases that the provisions of section 3 (1), (2) and (3) apply, because section 4 says "notwithstanding anything contained" and so on. Similarly, with regard to my friend Mr. Subnath Banerjee who says "settling the amount of rent", I am assuming that he is also obsessed by the idea that section 3 applies to displaced persons. Any person who will occupy forcibly another person's property, you say that person can go to a competent authority and ask for fixing the rent. But accepting that man as a tenant how can you do it? Because he in that case comes under the Tenancy Act. He is not a displaced person but a person who has forcibly occupied a land. He should not be given any title by allowing him to apply for fixing of the rent.

With regard to 3 (1), (2) and (3) which apply to ordinary unauthorised occupant of land or building, I do not think any mercy should be shown to him. If he has gone into a house forcibly, he must take the consequence of the law.

Mr. Bhandari is exercised over the point that we have said that a competent authority should be asked to judge whether a particular case should go to the ordinary civil court. Probably he has not read carefully section 3(1) which is a very broad section, namely, an owner of any land may apply to the Competent Authority and say: This man is in unauthorised occupation of my land."

Sir, the cases that we want to avoid are the cases of title to a particular property. Two brothers may be fighting, two partners may be fighting over a particular issue and they may go to the competent authority and complain that such and such persons are occupying his land. Section 3(1) takes hold of these cases. We had to avoid those cases and since we have got the competent authority in a District Judge, it is expected that he will know

which are the cases which come under title suit and which are of the nature of ordinary forcible occupation, and he will transfer the cases which are not in this group of forcible occupation.

The motion of S<sub>j</sub>. Sibnath Banerjee that in clause 3(1), line 3, after the words "of the land" the word "and similarly any displaced person also may make application for settling the amount of rent", be inserted, was then put and lost.

The motion of S<sub>j</sub>. Susil Kumar Banerjee that to clause 3(1) the following proviso be added, namely:—

"Provided that no such application shall be entertained by the Competent Authority if the unauthorised occupation commenced before the 1st day of October, 1946",

was then put and agreed to.

The motion of S<sub>j</sub>. Jyoti Basu that in clause 3(2), line 6, for the word "thirty" the word "sixty" be substituted, was then put and lost.

The motion of S<sub>j</sub>. Jyoti Basu that in clause 3(2), lines 7 and 8, the words beginning with "and pay to the owner" and ending with "occupation" be omitted, was then put and lost.

The motion of S<sub>j</sub>. Susil Kumar Banerjee that in clause 3(2), line 7, for the word "damages" the word "compensation" be substituted, was then put and agreed to.

The motion of S<sub>j</sub>. Susil Kumar Banerjee that in clause 3(3), line 1, for the word "shall" the word "may" be substituted, was then put and agreed to.

The motion of S<sub>j</sub>. Susil Kumar Banerjee that in clause 3(3), line 5, after the words "such time" the words, not being less than thirty days from the date of the order," be inserted, was then put and agreed to.

The motion of S<sub>j</sub>. Jyoti Basu that in clause 3(3), lines 6 and 7, for the words beginning with "and to pay" and ending with "fit to assess", the words "after providing for reasonable arrangements for the lodging of the person concerned" be substituted, was then put and lost.

The motion of S<sub>j</sub>. Susil Kumar Banerjee that in clause 3(3), line 6, for the word "damages" the word "compensation", be substituted, was then put and agreed to.

The motion of S<sub>j</sub>. Debendra Nath Sen that in the proposed amendment of S<sub>j</sub>. Susil Kumar Banerjee, in line 1, after the words "keeping in view" the words "the capacity of the person to pay" be inserted, was then by leave of the House withdrawn.

The motion of S<sub>j</sub>. Susil Kumar Banerjee that in clause 3(3), line 7, after the word "assess" the words "keeping in view the letting value of the land as well as the actual pecuniary loss, if any, sustained by the owner" be added, was then put and agreed to.

The motion of S<sub>j</sub>. Susil Kumar Banerjee that to clause 3(3) the following proviso be added, namely:—

"Provided that if in the case of an application which the Competent Authority can entertain it is of opinion after enquiry made under sub-section (2) that the case should be tried by a civil court, it shall not proceed further with the application and shall refer the parties to a civil court,"

was then put and agreed to.

The motion of **Sj. Suñil Kumar Banerjee** that for clause 3(4) the following be substituted, namely:—

“(4) If any person against whom an order under sub-section (3) has been made directing him to vacate the land, refuses or fails to vacate the land within the time fixed by the Competent Authority, the order may be executed in the manner prescribed”,

was then put and agreed to.

**Sj. J. C. GUPTA:** There is only a small alteration which has been suggested by the legal adviser and I would with your permission, Sir, like to incorporate that alteration in this amendment motion of mine before it is put to vote. The alteration is that for the words “on a sworn application” occurring in line 1 of my proposed sub-clause (5) to clause 3, the words “on an application supported by an affidavit” be substituted.

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** I accept the amendment.

**Mr. SPEAKER:** Let the amendment be moved formally by another member (not by Mr. J. C. Gupta) as a short-notice amendment.

**Sj. BIMAL COMAR GHOSE:** With your permission and as a short-notice amendment I beg to move that for the words “on a sworn application” occurring in line 1 of the proposed sub-clause (5) to clause 3, proposed and moved by Mr. J. C. Gupta, the words “on an application supported by an affidavit” be substituted.

**Sj. J. C. GUPTA:** I accept the short-notice amendment.

The short-notice amendment, moved on the floor of the House by Sri Bimal Comar Ghose, to the amendment (No. 38A) of Sri J. C. Gupta that for the words “on a sworn application” the words “on an application supported by an affidavit” be substituted was then put and agreed to.

The motion of **Sj. J. C. Gupta**, as amended by the short-notice amendment of **Sj. Bimal Comar Ghose**, that the following sub-clause be added to clause 3 after sub-clause (4), namely:—

“(5) The Competent Authority may, on an application supported by an affidavit made by any displaced person for refund of money obtained from such person by any person without lawful authority for allotment of land for unauthorised occupation, order refund of such sum as it may think just:

Provided that no order shall be made without giving the person against whom such claim is made an opportunity of being heard and in case the allegations are found false and frivolous may take such steps against such person as may seem fit and proper.”

was then put and agreed to.

The question that clause 3, as amended, do stand part of the Bill was then put and agreed to.

#### Clause 4.

**Mr. JASIMUDDIN AHMED:** Sir, আপনার বারফং Chief Minister সাহেবকে বলছি— ৩ ঘণ্টার বেশী হয়ে গেছে—এই House চলছে। আজ শুক্রবার। আমাদের প্রার্থনার দিন, সেইজন্য আমাদের কেউ কেউ রাগ করে আসেন নাই। আরো যারা এসেছি—তারা এখনও পর্যন্ত বলেই আছে House আরও যদি চলতে চান তা'হলে তার অর্থ আরাদেরও ওরা চলতে চান।



**The Hon'ble Dr. BIDHAN CHANDRA ROY:** Sir, we start with clause 4 and sit up to 11-30 in any case.

**Mr. JASIMUDDIN AHMED:** Sir, I beg to move that in clause 4, line 4, the words and figures "on the 31st day of December, 1950" be omitted.

I beg also to move that in clause 4, line 5, for the word "was" the words "has been" be substituted.

I beg further to move that in clause 4, line 9, for the word "was" the words "has been" be substituted.

I beg again to move that in clause 4, line 11, after the word "otherwise" the words "to the owner of the land" be inserted.

**Sj. JYOTI BASU:** Sir, I am in a difficulty. I suggested my amendment to the original Bill clause but I do not know where to place my amendment in the clause as proposed to be amended. Shall I move it?

**Mr. SPEAKER:** You move it.

**Sj. JYOTI BASU:** Sir, I beg to move that the following proviso be added to clause 4, namely:—

"Provided that Government shall pay such compensation periodically or otherwise as it may by order deem fit to assess".

**Sj. SUSHIL KUMAR BANERJEE:** Sir, I beg to move that for clause 4, the following—

**Sj. JYOTI BASU:** Which motion is being moved, Sir?

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** There was an original motion on the Bill clause and then an amendment was given by Sj. Susil Kumar Banerjee and unless that is moved an amendment to that cannot be moved.

**Sj. BIMAL COMAR CHOSE:** I believe that there are two amendments 40A and 40AA and there is therefore a confusion.

**Mr. SPEAKER:** May I know, Mr. Banerjee, whether you are moving amendment No. 40AA which is a later amendment or amendment No. 40A?

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** He will move 40AA and not 40A.

**Sj. SUSHIL KUMAR BANERJEE:** Sir, I beg to move that for clause 4, the following be substituted, namely:—

"4. (1) Notwithstanding anything contained in section 3, a displaced person in respect of whom an order under sub-section (3) of section 3 has been made, shall not be evicted if he pays such compensation as the Competent Authority may by order determine, payable periodically or otherwise as may be specified in the order:

Provided that the displaced person may be ordered by the Competent Authority (or by the Tribunal on appeal) to vacate the land if the State Government provides, on such terms and conditions as it thinks fit, the displaced person with—

(a) other land which in the opinion of the Competent Authority is situated in an area from where the displaced person would be able to carry on conveniently such occupation as he may have been engaged in for earning his livelihood at the time when the Competent Authority makes the order under this proviso,

- (b) and also with a house on such other land, suitable for him in the opinion of the Competent Authority, if immediately before the Competent Authority makes the order under this proviso he had a house on the land.
- (2) The State Government, on the application of the owner of any land or of its own motion, may, if it thinks fit so to do, acquire any land or any part thereof for a public purpose. Such acquisition shall be made under the provisions of the Land Acquisition Act, 1894:

of 1894.

Provided that no land shall be acquired in pursuance of this section except with the consent of the owner thereof if the owner is entirely dependent for shelter or livelihood on such land.

*Explanation.*—In construing this Act and the Land Acquisition Act, 1894, the expression 'public purpose' shall be deemed to include the rehailitation of displaced person".

**SJ. SHYAMAPADA BHATTACHARYA:** Sir, I beg to move that in the proposed amendment of Sj. Sushil Kumar Banerjee for proposed sub-clause (1) of clause 4, the following be substituted, namely:—

"4. (1) Notwithstanding anything contained in section 3, no order under sub-section (3) of that section shall be executed if the person in respect of whom the order has been made is a displaced person who on the 31st day of December, 1950, was in unauthorised occupation of any land, until the State Government provides for him in the prescribed manner—

(a) other land which in the opinion of the Competent Authority is situated in an area from where the displaced person would be able to carry on conveniently such occupation as he may have been engaged in for earning his livelihood at the time when the Competent Authority makes the order,

(b) and also with a house on such other land, suitable for him in the opinion of the Competent Authority, if immediately before the Competent Authority makes the order he had a house on the land;

and pending the providing of such other land, and house (if any) the displaced person shall be permitted to use and occupy the land and house, if any, of which he was in unauthorised occupation on payment of such consideration periodically or otherwise to the owner as the Competent Authority may by order deem fit to assess".

**SJ. DEBENDRA NATH SEN:** Sir, I beg to move an amendment to this amendment No. 40AAA that in the last paragraph, 4th line, substitute the word "consideration" by the word "rent", also delete the words "periodically or otherwise".

**Mr. SPEAKER:** I must have a copy of the amendment which is moved; otherwise I cannot follow.

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** In the meantime we can go on to the other amendments—40B, 40C and so on.

**Mr. SPEAKER:** Well, I understand that in amendment No. 40AAA as it stands in the cyclostyled copy some words have been added reading it "the displaced person shall be permitted to use and occupy the land and the house, if any, of which he was in unauthorised occupation".

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** I move that those words be added—"and house, if any,".

**SJ. CHARU CHANDRA BHANDARI:** Sir, এটার fitting করে ওঁরা যা দিয়েছেন এর amended form এ যা আমি Secretaryর কাছে দিয়েছি সেইটে আমি move করতে চাই :

**Mr. SPEAKER:** In order to do justice to the department it is necessary that all the amendments which the members wish to move on the floor of the House must be put in writing and handed over to the Secretary; otherwise it will be difficult for me to allow such amendments.

Now let me exhaust the motions as they stand.

**SJ. SIBNATH BANERJEE:** Sir, I beg to move that in clause 4, in the last line, after the words "fit to assess" the words "provided the area of all lands possessed by the owner is less than two bighas only" be added.

**SJ. JYOTI BASU:** Sir, I beg to move that for clause 4 the following be substituted:—

"4. Notwithstanding anything contained in section 3, a displaced person in respect of whom an order under sub-section (3) of section 3 has been made, shall not be evicted and the land shall be acquired for him if he has through trade, business or cultivation commenced earning his means of livelihood and his removal to any other land or area would adversely affect such means of livelihood, except if such land is required for a public purpose".

I also move that the following provisos be added to clause 4, namely:—

"Provided that in the case of a displaced person who may be ordered to vacate the land by a Competent Authority (or by the tribunal on appeal) for any other cause, the State Government shall provide such person with land which in the opinion of the Competent Authority is situated in an area from where the displaced person would be able to carry on such occupation as he may have been engaged in for earning his livelihood at the time when the order under sub-section (3) of section 3 was made:

Provided further that if a displaced person is ordered to vacate the land, all costs for his removal, building a structure for his habitation and for restarting his business or cultivation shall be borne by the Government".

**SJ. CHARU CHANDRA BHANDARI:** I beg to move that the following proviso be added to clause 4, namely:—

"Provided that the foregoing provision shall not apply where the owner of such land is a displaced Muslim".

I beg to add the following explanation at the end of clause 4:—

"*Explanation.*—A 'displaced Muslim' means a member of the Muslim community ordinarily resident in West Bengal who on account of communal disturbances, leaves, has left or left, after the 15th day of August, 1947, his place of residence in West Bengal for any other place in India and includes legal heirs of such person".

**Mr. SPEAKER:** This finishes the amendments to clause 4.

**SJ. CHARU CHANDRA BHANDARI:** বাদিনীর স্বীকার মহাপ্রসন্ন, আমি একটা কথা বলতে চাই। আমাদের এই oppositionএর মধ্যে অনেকজন member আসেন নি। আসেননি এখনো যে

আজকে তাঁদের prayer-এর দিন। ১০টা থেকে তাঁদের প্রস্তুত হতে হবে। এখন ১০-১০ মিনিট বেজেছে। Clause 4 একটা important clause and it is vital so far as the Muslim members are concerned. তাই প্রস্তাব করছি consideration of this clause may be postponed.

**SJ. HARIPADA CHATTERJEE:** এটা postpone করলে ভাল হয়।

**SJ. JYOTI BASU:** Now Dr. Roy can be sure that the Bill will be passed, so it can be held over till Tuesday. He can go to Pandit Nehru and say that the Bill will be passed.

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** I shall take your authority on it.

**SJ. JYOTI BASU:** You can take me along with you. There is no point in hurrying.

**Janab MUHAMMAD IDRIS:** Sir, we are quite unable to sit after 11-30. At 11-30 call to prayer—*Azan*—begins. When the prayer begins it is impossible for us to sit in the House.

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** I am myself anxious to get away. I understand there is not much difficulty with regard to clause 4. No real formal amendment has been moved to clause 4. I suggest that, if there is no harm, let that clause 4 be passed and then we go away.

**SJ. HARIPADA CHATTERJEE:** Clause 4টা পাস হলে বিলের আর থাকলো কি? Inclusion-এর কথা হচ্ছে—তাঁরা আসুন, এসে আলোচনা করবেন।

**Mr. SPEAKER:** If this clause 4 does not necessitate a good deal of speeches then we can dispose of it.

**SJ. HARIPADA CHATTERJEE:** Clause 4-এর inclusion সম্বন্ধে কথা বলতে হবে অনেক, তা না হলে চলবে না।

**Janab MUHAMMAD IDRIS:** On a point of privilege, Sir. I beg to submit that at 11-30 a.m. call to prayer, i.e., *Azan*, begins. As soon as it begins, no Muslim member can continue his work. All work should be suspended immediately. It is already high time for us to go to mosque and join the prayer.

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** Sir, in view of the threat of S.J. Haripada Chatterjee and S.J. Charu Chandra Bhandari, let us postpone the Bill till Tuesday.

#### Adjournment.

The House was then adjourned at 11-32 a.m. till 2-30 p.m. on Tuesday, the 10th April, 1951. at the Assembly House, Calcutta.

**Proceedings of the West Bengal Legislative Assembly assembled  
under the provisions of the Constitution of India**

THE ASSEMBLY met in the Assembly House, Calcutta, on Tuesday, the 10th April, 1951, at 2-30 p.m.

**Present:**

Mr. Speaker (the Hon'ble ISWAR DAS JALAN) in the Chair, 11 Hon'ble Ministers and 62 members.

**GOVERNMENT BILL.**

**The Eviction of Persons in Unauthorised Occupation of Land Bill, 1951.**

*Clause 4.*

**Shaikh MOHAMAD RAFIQUE:** May I have your permission, Sir, to move amendment No. 1A?

**Mr. SPEAKER:** Yes.

**Shaikh MOHAMAD RAFIQUE:** Sir, I beg to move that at the end of sub-clause (I) of clause 4 of the amendment of Sri Susil Kumar Banerjee the following proviso be added, namely:—

“Provided that the foregoing provisions shall not apply to land belonging to or occupied by a displaced Muslim resident in West Bengal who on account of communal disturbances or the fear thereof left or has left his place of residence after the 15th day of August, 1947, for any other place in West Bengal or for any other part of India”.

**Janab Syed BADRUDDUJA:** Sir, I beg to move that at the end of sub-clause (I) of clause 4 of the amendment of Sri Shyamapada Bhattacharyya the following proviso be added, namely:—

“Provided that the foregoing provisions shall not apply to land belonging to or occupied by a displaced Muslim resident in West Bengal who on account of communal disturbances or fear thereof left or has left after the 15th day of August, 1947, his place of residence for any other place in West Bengal or for any other part of India”.

Sir, I also beg to move that the following proviso be added at the end of sub-clause (I) of clause 4 of the short-notice amendment of S. Shyamapada Bhattacharyya, namely:—

“Provided that the foregoing provisions shall not apply in the case of land belonging to a person or persons resident in West Bengal, but who has or have been dispossessed of his or their land on account of communal disturbances or fear thereof and has or have left for any other place in West Bengal or India”.

**Mr. SPEAKER:** Discussion may start now.

**Janab MD. KHUDA BUKHSH:** On a point of order, Mr. Speaker, Sir. My submission in this regard is that the amendments moved by Sri Susil Kumar Banerjee and the other amendments moved are outside the scope of this Bill. In this connection I have to draw your attention to a ruling on this point given by the late Sir Azizul Haque when he was

occupying the Chair of the Speaker. I refer to pages 154-162 of the book entitled "Decisions of Speakers", Volume I, 1937-1943. Sir, he has given an exhaustive ruling on the subject and I shall read out the relevant portions which I think bear directly on the question at issue. A similar objection was taken by an honourable member in regard to the Tenancy Bill and a question was raised whether a particular amendment was within the scope of the Bill. He has been pleased to lay down for the guidance of his successors and also for the guidance of the members of this House that "the scope of the Bill is to be determined with reference to its preamble and its aims and objects and with due regard to the citations and provisions in the Bill itself". Sir, here in the Statement of Objects and Reasons the Hon'ble the sponsor of this Bill, the Minister in charge has said that "a large number of refugees from East Bengal have, under pressure of unfortunate circumstances arising out of communal disturbances or fear of such disturbances, come over to West Bengal and wrongfully occupied considerable areas of land and many premises belonging to Government and private owners. Even lands acquired for relief and rehabilitation purposes have been trespassed upon upsetting plans for resettlement of refugees. Taking advantage of the situation other persons who are not *bona fide* refugees have also acted in violation of law and disregard of all private rights in property. The usual proceedings for eviction of these trespassers through civil courts are expensive, dilatory and harassing to the parties concerned and may also cause great hardship to the refugees unless they can get lands for their resettlement". So the whole emphasis of the Bill is on eviction and this has been sought to be done by providing certain clauses in the Bill in the shape of summary procedure. Originally when this Bill was brought we had noticed in section 9 that the competent authority was vested with the powers of a civil court with the intention that the dilatory and long-drawn-out processes that were inherent in a civil suit before a civil court may be obviated and the aggrieved persons may get quick and speedy justice. Now, Sir, not only has that been introduced but something graver has been introduced in that the provisions that are now sought to be introduced into the Bill go diametrically against the very purport of the objects of the Bill, that is, that instead of trying to evict the trespasser from his unlawful possession it seems to give him the right to continue to do so, and this I submit, Sir, is absolutely outside the scope of the Bill. In elaboration of this I may be permitted to quote another relevant portion of the late Sir Azizul Haque's ruling that "Once a Bill is therefore in a particular form before the Legislature, it is a salutary principle that there is no intention to make any alteration in the laws beyond what is explicitly declared, either in express terms or by clear implication". Now, Sir, we have to examine what is the real intention of the Bill and what it explicitly declares today in the Statement of Objects and Reasons and also in the preamble that was drafted in the original Bill. "In other words", it goes on to say, "a Bill must for the time stand by its immediate scope and object and all other matter outside these limits must remain undisturbed until fresh proposals are brought up in the form of a new Bill. A Bill has, therefore, to be kept within limits of its scope of its objects and reasons and must not disturb the other existing laws beyond what its scope requires".

Now, Sir, we have to examine what should be at least the scope of this Bill and what its scope requires for the Government to make changes by way of amendment. The ruling, Sir, you will be pleased to observe, commends to the Government that the Bill should be left undisturbed, and if after subsequent thought and consideration given to a particular

subject Government's intention is to bring in something else which is outside the scope of the legislation before the House, they can do so by bringing in a fresh Bill. Now, Sir, the question to decide is as to whether this amendment is or is not outside the scope of the Bill. If you will decide that, you will be pleased to take action on the basis of this learned ruling.

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** Sir, I would draw your attention to page 16 of the Decisions of Speakers where you will find that the scope of a Bill has to be determined with reference to its preamble and its aims and objects and with due regard to citations and provisions in the Bill itself. Sir, it is not proper to read a Bill simply with reference to its scope and object. The things that have to be considered are the scope and objects and preamble of the Bill and citations and provisions in the Bill. If my friend will look into this Bill he will find from the provisions of the Bill that there is an indication in the Statement of Objects and Reasons that the Bill has two-fold objects in view, namely, the eviction of persons in unauthorised occupation and at the same time rehabilitation of *bona fide* refugees. These are the two objects of the Bill. My friend has misread the Bill and has stressed only one aspect leaving the other out of consideration.

**Shaikh MOHAMAD RAFIQUE:** Sir, I agree with the Hon'ble Minister that we shall have to look to the scope, aims, objects and the preamble of the Bill. But when he said that perhaps he had forgotten that the object of the Bill was to evict the people from places which they have occupied in unauthorised manner and, as the Statement of Objects and Reasons says, even those refugees who have occupied the lands which were meant for rehabilitation purpose. So the intention of the Government was to evict these people from such places and at the same time to bring them to places which were meant for them and not to acquire those places which have been occupied by these refugees at present forcibly. But this Bill, as it is at present, is a Land Acquisition Bill and not an Eviction Bill at all. Therefore the scope of the Bill is that they will have to be shifted from those places and will have to be rehabilitated on such lands which Government have purchased or acquired for them. Sir, this Bill, if these amendments are accepted, will be a Land Acquisition Bill for the refugees. I support the contention that has been raised by my friend Janab Khuda Bukhsh, and surely if the Government want they can bring in a fresh legislation afterwards by publishing in the Gazette and after complying with all the rules.

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** Sir, the point is that it is not merely that in the Statement of Objects and Reasons, we have indicated the two-fold purposes of the Bill but sections 3 and 4 indicate what the Government desire to do. While the Government is prepared and anxious to see that unauthorised occupation is ended for a particular type of persons whom we have described as *bona fide* refugees in the Bill before the House, we have made some additional provisions under section 4. Therefore both the purposes are not only mentioned in the Statement of Objects and Reasons but have been provided for in sections 3 and 4. The amendments that have been moved by Sj. Susil Kumar Banerjee and Sj. Shyamapada Bhattacharyya have been merely to amplify and change the language of it. In order to make it clear as to what the intention of the Bill is, it is always open to any person in the House to try and put it in a proper language so that there might not be any difficulty. With the same object in view the amendment proposed contains a provision to alter the preamble of the Bill as well

as other portions that affect the small title and preamble of the Bill. It is not that we have changed the purpose—it remains the same; the only thing is that it has become more explicit, so that there might not be any difficulty for the people to understand it, and secondly there would be no difficulty in the law courts afterwards.

**Janab Syed BADRUDDUJA:** Sir, in rising to support the point of order raised by Janab Khuda Bukhsh, may I submit that not merely the character and complexion of the Bill has been changed, not merely the preamble has been changed, but even the object with which the Bill was going to be introduced has also been changed.

Sir, I would refer you to page 156 of the Decisions of Speakers where it is stated that "if a Bill has an open", i.e., if it amends an Act without any reservation (e.g., whereas it is expedient to amend Act), amendments to all the sections of the Act will be generally within the scope of the Bill. It would throw the whole law into the crucible, expose to amendment, not merely the particular provisions which the introducer of the Bill desires to alter, but all other provisions of the law which appear to be in any way open to criticism. On the other hand, if a Bill has a "closed preamble"—

**Janab MD. KHUDA BUKHSH:** Which the Bill has.

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** No, no.

**Janab Syed BADRUDDUJA:** Sir, the original contemplation of the Bill was eviction. As a matter of fact, as early as September, 1949, the Hon'ble Chief Minister of the province in a Press Conference definitely held out an assurance that he was thinking of evicting those persons who were occupying the lands of others in an unauthorised manner, and on the floor of this House, I definitely raised the question for eliciting the same information and the Hon'ble the Leader of the House definitely assured us that he was seriously thinking of bringing forward a Bill in the present session of the Assembly. Sir, when the expected Bill came, it raised hopes in the minds of the people who had been unjustly dispossessed of their lands, but owing to certain agitation cooked up from outside to which the Government of West Bengal succumbed, the whole character of the Bill has been changed, the very complexion of the Bill has been changed. The Hon'ble Revenue Minister will bear me out if I read out the Statement of Objects and Reasons where it is clearly stated that people have come and wrongfully occupied considerable areas of land and many premises belonging to Government and private owners. These are the persons who were sought to be evicted, these are the persons who are now sought to be rehabilitated, these are the persons who are now sought to be resettled. Only those persons, who have been unjustly, unfairly and sometimes in the most flagrant and wanton manner dispossessed of their land, have been deprived of their home and hearth and who are even now wandering in their homeland as homeless wanderers, and have no shelter, no protection, no quarter. Nothing could be clearer than this that the Government of Bengal also contemplated eviction when eviction of those persons who have been in unauthorised occupation of lands of West Bengal—that is clearer. The preamble also is clear. The preamble says: Whereas it is expedient to provide for the eviction of persons in unauthorised occupation of land and for certain other matters connected therewith. So, the preamble is also clear. "Certain other matters" do not indicate rehabilitation. "Certain other matters", Mr. Speaker, never indicate, never imply, rehabilitation or resettlement of those persons. Certainly,



eviction of persons in unauthorised occupation of land cannot by the farthest stretch of imagination imply or indicate that the intention was rehabilitation, that the intention was resettlement of the very same persons who were sought to be evicted by the Bill. The preamble is clear, the object is clear and the tittle is clear. But now that there has been an agitation, there has been behind the scene certain arrangement to change the character, the complexion, the object of the Bill. Therefore, with the greatest emphasis at my command, I support the point of order raised by my friend Mr. Khuda Bukhsh. I hope Government will see its way to accept this point of order. Sir, I want your ruling on this point of order.

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** Mr. Speaker, Sir, I would point out to you that instead of getting into heat but rather looking for light, what do we find in the preamble? It is a definite and open preamble in so far as it seeks to provide for the eviction of persons in unauthorised occupation of land and for certain other matters connected therewith, and I submit, Sir, "other matters connected therewith" include—if you will look at clause 4 of the Bill—protection of *bona fide* refugees. It has been definitely laid down in clause 4 of the original Bill that protection of *bona fide* refugees is certainly one of the other matters connected with the question of eviction of unauthorised persons. At the same time, Sir, the Statement of Objects and Reasons also made it abundantly clear that Government found itself faced, on the one hand, with the situation of unauthorised occupation of land and, on the other, with the problem certainly of resettlement and rehabilitation of refugees in a proper manner. As the Hon'ble Leader of the House has pointed out, in an extraordinary situation this Bill has been brought forward—on the one hand, to rectify the wrongs done by unauthorised occupation and, at the same time, to resettle and rehabilitate the refugees which has been accepted as a sacred trust and responsibility by the Government of West Bengal as well as by the Government of the Indian Union. There would have been no necessity to come forward before the House with a Bill of this kind unless we were placed in a situation of having to meet extremely difficult circumstances in two extremes. Therefore, it is entirely within the scope of the Bill as in terms and provisions laid down in the Bill, viz., protection of *bona fide* refugees. So, if in course of consideration of this Bill, certain changes are thought necessary to clarify the points, to make them clear and definite and bring them in accord with the purposes of the Bill itself, that is certainly clearly within the scope of this Bill and as a result of the deliberations and discussions which have taken place, attempts are now being made to incorporate the suggestions in the form of amendments and the crucial test, I submit, is this. Are those amendments directed towards the question of meeting the problem of unauthorised occupation? Are those amendments directed towards the question of protection of *bona fide* refugees and their rehabilitation? If they are, then they are certainly within the scope of the Bill and every amendment which goes on to make clear—to fulfil those two things—is within the scope of this Bill. So, I submit, Sir, that taking into account the expressed purpose which has been categorically and clearly laid down in the Objects and Reasons and in the open preamble which is stated specifically—for the eviction and certain other matters connected therewith—the protection of *bona fide* refugees is certainly a matter connected therewith. Therefore, in view of all these and taking them into account, I think that by no stretch of imagination this amendment can be ruled out of order or objected to as not being in order. Sir, that is my submission.

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** On a point of personal explanation, Sir, Mr. Badrudduja has twice suggested that on account of agitation outside, we have changed our point of view. This is entirely false. As far back as 26th January, 1948, I had written letters, which I quoted, to the Central Government asking for provision for the rehabilitation of refugees. This is an opportunity when I can meet these two propositions, viz., those who are not *bona fide* refugees and are occupying lands belonging to others should be evicted and, at the same time, those who happen to be really displaced persons should be provided with land and building. There is no contradiction in them, there is no variation in them. The approach has been the same for the last three years and we have only put them in proper shape so as to avoid any ambiguity.

**Janab MUDASSIR HOSSAIN:** Mr. Speaker, Sir, I also rise to a point of order. The point of order is that it has been said—

**Mr. SPEAKER:** Are you speaking on another point of order?

**Janab MUDASSIR HOSSAIN:** Yes, Sir, it leads to the same thing and if my point of order be taken into consideration and accepted, the whole Bill will go and the amendments will go.

**Mr. SPEAKER:** If you are dealing with this point of order, you can speak on it now, but if you are dealing with another point of order, you cannot raise it now.

**Janab MUDASSIR HOSSAIN:** It is connected with the same point of order—it is inter-mingled, it is the same point of order.

**Mr. SPEAKER:** All right, let me hear what you have got to say on the same point of order.

**Janab MUDASSIR HOSSAIN:** Sir, the intention of the Government seems to be to rehabilitate the refugees who have come from East Bengal to West Bengal after October, 1946, and who have arrived up to December, 1950. It is the intention of the Government—whether Central or our own Government—to rehabilitate these persons. Sir, before we can rehabilitate these persons, it is the fundamental principle of the Constitution, it is the fundamental principle of every law that we can make law to rehabilitate only those persons who are our own citizens, who are the citizens of India, as defined in the Constitution—Articles 14 and 15. Sir, it has been laid down in the Constitution—

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** What is the point of order?

**Janab MUDASSIR HOSSAIN:** The point of order is that you are going to make provision for displaced persons who are not your citizens. Therefore, the whole scheme is bad and *ultra vires*.

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** That is another point of order. He says that the whole thing is *ultra vires* of the Constitution.

**Janab MUDASSIR HOSSAIN:** Sir, the point of order is this—

**8J. ANANDILAL PODDAR:** Sir, how can he raise another point of order unless this is disposed of?

**Mr. SPEAKER:** Let me hear what he is going to say.

**Janab MUDASSIR HOSSAIN:** This also relates to displaced persons. They have spoken of displaced persons.

**Mr. SPEAKER:** Will you please let me know what is your point of order?

**Janab HUDASSIR HOSSAIN:** The point of order is that any scheme or any provision in this Bill for rehabilitating these persons is bad and *ultra vires* and cannot be taken up.

**Mr. SPEAKER:** That is a big order.

**Mr. JASIMUDDIN AHMED:** এই বিলটা কতসূর বদলান হ'য়েছে, সে সম্পর্কে বলবো। প্রথম দিন Member-in-Charge, তারপর Chief Minister এর বক্তৃতা লক্ষ্য করলেই বুঝা যাবে বিলটার আপেকার প্রকার ও চরিত্র কতসূর বদলান হয়েছে। বদলানে কি অসুবিধা হয়? বাইরে অনেক লোক আছে, তাদের অধিকার আছে বিলটাতে protection এর যে কথা বলা হয়েছে, সে সত্বে অভিন্নত ও মনোনীত প্রকাশ করবার। Committee of Petition এর তারা বত প্রকাশ করবার হুকুমার। সে opportunity তাদের দেওয়া হয়নি।

*Bona fide* refugeeদের মধ্যে যাদের residence, বাড়ী আছে—৪ ধারা সত্বে স্থানীয়বাসুর যে amendment তাতে বলা হয়েছে চাষের জমি থেকে তাদের evict করা চলবে না, যতক্ষণ না তাদের অন্য জমি দেবিয়ে দেওয়া হচ্ছে। অতএব তাদের সেই জমি পছন্দ না হলে, চাষের জমি পর্যন্ত ছেড়ে দিতে বাধ্য করা বা evict করা হবে না। কিন্তু প্রথম Billএ ছিল—না, যারা কেবল বসবাস করছে তাদের জন্যই protection দেওয়া হবে। এক দলের protection বিশেষ করে দেওয়া—আর এক দলের refugee protection কেড়ে নেওয়া হবে। তাদের যে natural অধিকার “চাষের জমি ফিরে পাবে”। Sushil বাবুর amendmentএ বিধান করা হয়েছে। তা গৃহীত হলে চাষের জমি থেকে যাবে। এ অবস্থায় আগের যে ৪ ধারা এবং এখনকার ৪ ধারা তা সম্পূর্ণ পরিবর্তিত। Outsideএ ববর publish করা হয়নি এবং বাইরের লোক কোন opportunity পারনি আপত্তি জানাতে। এই অবস্থায় বলছি যে, এ Billটা republish করা উচিত। খুদাবক্স সাহেবের point of order সমর্থন করে বলবো, এইভাবে Bill গ্রহণ যোগ্য নয়। তারপর আর একটা point of orderএ Mudassir Hossain সাহেব যা বলেছেন সেটাও সমর্থন করি। Constitutionএর Article 15এ আছে place of birth, religion, caste, sect, হিসাবে কোন discrimination চলবে না। তা যদি না চলে displaced personএর definition, সেখানে place of birth হিসাবে করা হয়েছে, সে হিসাবে এই বিল আসতে পারে না।

**Janab MUDASSIR HOSSAIN:** Will you consider, Sir, the point that I have raised?

**Mr. SPEAKER:** No. The point which you raised is a point with reference to clause 15 of the Constitution. That has to be discussed further.

**Janab MUDASSIR HOSSAIN:** Article 6 of the Constitution of India.

**Mr. SPEAKER:** You raise that point later. It has got nothing to do with the point at present here.

I have considered the point of order raised by Janab Khuda Bukhsh regarding the amendment No. 1 moved by Sri Susil Kumar Banerjee in respect of clause 4 of the original Bill. Now under our rules, No. 43, “An amendment must be relevant to, and within the scope of the question to which it is proposed”. Therefore what I have to consider is as to whether the amendment moved by Sri Susil Kumar Banerjee is relevant to and within the scope of this Bill. What I find in the original Bill is that in clause 4 what is mentioned is this: “Notwithstanding anything

contained in section 3, no order under sub-section (3) of that section shall be executed, if the person in respect of whom the order has been made is a *bona fide* refugee, who on the 31st day of December, 1950, was in unauthorised occupation of any land for residential purposes until the State Government offers to him in the prescribed manner other land for residential purposes; and pending such offer the *bona fide* refugee shall be permitted to use and occupy the land of which he was in unauthorised occupation, on payment of such compensation periodically or otherwise as the Competent Authority may by order deem fit to assess". Therefore it seems to me that clause 4 as it stood provided for eviction of persons occupying land on certain conditions of providing another land for the purpose for which it was used before. The amendment of Sri Susil Kumar Banerjee also stated practically the same thing, only the conditions and the terms are different. What I find in the amendment of Sri Susil Kumar Banerjee is this: "Notwithstanding anything contained in section 3 a displaced person in respect of whom an order under sub-section (3) of section 3 has been made, shall not be evicted if he pays such compensation, etc., etc., provided that the displaced person may be ordered by the Competent Authority to vacate the land if the State Government provides, on such terms and conditions as it thinks fit, the displaced person with other land which in the opinion of the Competent Authority, is situated in an area", etc., etc. The main purpose which appears to me of section 4 is that a man is to be evicted provided certain alternative relief is provided to him. The objective is the same in this amendment. A man is to be evicted provided he is given an alternative place to remain, provided he pays compensation, etc. Therefore, to me it appears that the fundamental things of clause 4 as it stood and the amendment which is proposed to clause 4 are the same. Only the difference is in the conditions and circumstances which must be attended to if an eviction is to take place. It, therefore, becomes immaterial for me to go into the objects and reasons or even to the preamble, because I find that this amendment is not irrelevant even to the clause as it stood, that is clause 4 of the Act itself. Then it is not necessary for me to go into the preamble or to the objects and reasons. In my view only the Objects and Reasons and the preamble are necessary when the amended clause does not fit in with the clause to which the amendment is moved. Under the circumstances I am not prepared to uphold the point of order raised by Janab Khuda Bukhsh and I hold that the amendment is in order.

**Janab MUDASSIR HOSSAIN:** Sir, the laws are made by this Legislature or by the Central Legislature.

**Mr. SPEAKER:** You are arguing a point of law and therefore please confine yourself to that aspect of the matter like a lawyer. You will have another opportunity to speak during the general discussion of the whole thing.

**Janab MUDASSIR HOSSAIN:** Sir, this is a point of order of vital importance which goes to the root of the whole thing. Sir, what I mean to place before this August Assembly is this: that laws are enacted for the purpose of governing the Indian citizens. Sir, in this case nowhere in this Bill it has been said that the persons who are intended to be rehabilitated or who are going to be rehabilitated are citizens of India. If we look to Article 6 of the Constitution it lays down "Notwithstanding anything in article 5, a person who has migrated to the territory of India from the territory now included in Pakistan shall be deemed to be a citizen of India at the

commencement of this Constitution if (a) he or either of his parents or any of his grand-parents was born in India as defined in the Government of India Act, 1935 and (b) in the case where such person has so migrated before the nineteenth day of July, 1948, he has been ordinarily resident in the territory of India since the date of his migration, (c) in the case where such person has so migrated on or before the nineteenth day of July, 1948, he has been registered as a citizen of India by an officer appointed in that behalf by the Government of the Dominion of India on an application made by him therefor to such officer before the commencement of this Constitution in the form and manner prescribed by that Government:

Provided that no person shall be so registered unless he has been resident in the territory of India for at least six months immediately preceding the date of his application".

Therefore this Bill speaks of persons to be rehabilitated who have come to India up to 31st December, 1950. The first and the primary consideration is that they must be citizens of India. According to Article 6 of the Constitution no person who has come after July, 1948, but who has not been registered as a citizen by an officer appointed by the Government of India, can be called a citizen of India or be entitled to the rights and privileges of a citizen of India. Therefore my point is this that we are going to rehabilitate persons who are not citizens of India. This is *ultra vires* of the Constitution. Therefore this Bill must be withdrawn. There are other points too. Sir, it is a serious matter. The purpose of the

gentlemen over there is, as the Persian saying goes نیم حکیم خطره جاک

—half physician is always dangerous to the life. বাংলায় আছে “অনুসার দিনে যদি সংহত হও, তবে কি আর যখনাধ খাটের নীচে যেও।”

**Mr. SPEAKER:** Will you please come to your point of order?

**Janab MUDASSIR HOSSAIN:** Sir, these are preambles to the examples. Sir, this legislation is discriminatory. Sir, equality of rights has been denied to one class. Sir, the “owner” defined as “owner” in relation to any land means a person (other than a tenant-at-will or a monthly tenant) who is entitled to the use or occupation of such land or to receive rent in respect of or derive other pecuniary benefits from such land and includes Government and any local authority. Why this, Sir? It is well known that many *busteevallas* live in Calcutta and near-about Calcutta and their houses have been forcibly occupied and my point is why they shall not get the benefit of this Act? Therefore I call this a discriminatory legislation. This is denying equality of status and equality of rights. While you are going to give protection of law to persons who are or had been in occupation of such land or receive rent in respect of such land, etc., you are denying those rights to others.

Sir, this is also discrimination. You have driven away persons from their lands and they are roaming about all over the country in search of shelter just like beggars and in their place you have installed persons who are foreigners and who are invaders and not citizens of India. This is surely discrimination and it denies the wholesome provision of equal justice to all. It is a bad measure and should be withdrawn. It denies to give equal rights to all the citizens of the land.

**Mr. SPEAKER:** Now, with regard to the point of order that it is against Article 6 of the Constitution, I must say at the outset that all such questions ought to have been raised at an earlier stage when the Bill

was introduced or when the Bill was for consideration but not after we have gone to the consideration of the Bill, clause by clause, and the subject-matter of the discussion now is clause 4 and not the Bill itself. In any way I do not find there is anything against Article 6 of the Constitution. Article 6 provides as to who are citizens of India. This Bill has nothing to do with the definition of the word "citizen". This Article does not say that those who are not citizens should not be given any protection in India.

**The Hon'ble Dr. BÍDHAN CHANDRA ROY:** May I draw your attention to Article 282 of the Constitution which says that the Union or a State may make any grants for any public purpose, notwithstanding that the purpose is not one with respect to which Parliament or the Legislature of the State, as the case may be, may make laws. So Article 282 gives the State power to make any grant or spend any money for any public purpose.

**Mr. SPEAKER:** But it is not necessary for me to take that into consideration, when I find that Article 6 does not debar the Government from taking up this Bill. With regard to Mr. Mudassir Hossain's point I do not find that there is any substance in his point that it is a discriminatory measure. As regards intricacies of law, unless it is apparent, the Speaker has the final authority and he does not generally on that ground rule out a Bill.

I now start with the consideration of the Bill.

**Janab Syed BADRUDDUJA:** Mr. Speaker, Sir, never before in my parliamentary life was I faced with a more difficult and desperate situation than what confronts me at the present moment. On the one hand, Sir, we have got to consider the case of those refugees from East Bengal who have been named displaced persons, who have been uprooted from their home and hearth and on the other hand we have got to consider the distress, the miseries and misfortunes of those displaced persons, citizens of the State of West Bengal, who have been deprived of their land, dispossessed of their possessions, and unfortunately in many cases reduced to the position of beggars having had no shelter, having had no quarter or recognition either from Government or from the public outside. Sir, sentimental considerations have been urged and the Government of West Bengal—I again stress and emphasize with all the seriousness at my disposal—have yielded to that sentimentalism and have gone back upon their own solemn word, have changed the character and complexion of the Bill and in order to accommodate the refugees from East Bengal, have curtailed the rights, the privileges of the citizens of this State. That is the position with which we are faced today. Sir, I will give you certain details. The picture is very gloomy, sombre, disappointing and discouraging, because the Government of West Bengal having raised certain hopes in the minds of those people have now gone back upon their own word and blighted their hopes, I say this with the fullest sense of my responsibility. The Hon'ble the Chief Minister on the floor of the House gave an assurance during the passage of the Evacuee Property Bill, when the question was raised regarding the property of certain displaced persons who had not migrated to Pakistan that another Bill would be brought forward which would cover the cases of those unfortunate people who have been displaced in their own homeland. That Bill at last came, but agitation against it grew in volume and intensity behind the scene by

which certain rights were taken away, rights which had been sought to be conferred upon the citizens of the State. So what the Government proposed to give with one hand, Government are snatching away with the other.

Sir, I shall now have to refer to the distress of those people who have been displaced from the Sri Nehru colony. I shall have to refer to Netaji Subhas Nagar, I shall have to refer to Gandhi colony, the Azad colony, the Bidhan Palli in the Tollygunj Municipality. Sir, I will particularly refer to Netaji Subhas Nagar in Tollygunj where the refugees under colour of distress have occupied other peoples' lands every *cottah* of which is worth Rs. 2,000 to Rs. 3,000, not ordinary land. But their contention has been that those are waste lands, that they have developed them in their own way and therefore they should not be dislodged. This is the land, Sir, not belonging to Muslims, but to big people belonging to other communities, land which will bring considerable sums of money. They have built upon no mufassal land worth Rs. 500 per *bigha* but on land worth Rs. 50,000 per *bigha*. Their contention, however, is that they have only built upon waste and fallow land and that they should not therefore be dislodged and displaced simply because they have come from the other side of the border and should, therefore, be accommodated with all possible means and in all possible manner. Then, Sir, I come to another part, the Jadabpur area under Tollygunj police-station. I have got in my possession certain representations from persons who have suffered as a result of disturbances since the Delhi Pact, and in this connection I shall refer to Nimta, Alipur, Majerhat, Gouripur, Dum Dum, Nagerbazar, Digla, Gorabazar, Maniktala, Bantra and certain other places in Barrackpore subdivision under police-station Dum Dum where 25,000 people unfortunately belonging to the minority community—they are citizens of the State as much as you are—are affected. Not merely their lands have been occupied in the most unauthorised manner, not merely their houses and properties have been looted and plundered, but their orchards and their paddy-fields have been destroyed. Even the produce of their paddy-fields has been snatched away by these people and yet the Government of West Bengal in order to protect these unauthorised occupants of others' lands, in order to protect these illegal usurpers of lands of other persons, have come forward to legalise with a Bill, the illegal possession, to authorise the unauthorised occupation, to moralise and regularise the immoral gains of these people.

My honourable friend Rai Harendra Nath Chaudhuri in reply to an amendment moved by my esteemed friend Sriyut Charu Chandra Bhandari, for whom we the members of the minority community have got the greatest gratitude and regard, because he is one of those exponents of the unfortunate cause of the poor minority in West Bengal, said that there should be no discrimination under section 15 of the Constitution of India. I would ask him to refresh his memory. Human memories, Sir, are very short and the memories of my honourable friend over there are very much shorter; otherwise he would not refer to this section of the Constitution. The Constitution says that there shall be no discrimination on the ground of religion, on the ground of race against any particular citizen of the State. Unfortunately, however, there has been discrimination in favour of the citizens of the other State against the citizens of this State. Nothing more preposterous, nothing more discouraging, nothing more disgraceful, nothing more unfair, nothing more unjust can ever be conceived of in any human legislation. I can never conceive of anything in favour of another section of people who have come across the border against people who belong to this State, are

entitled to the same rights, entitled to the same privileges, to the same status, to the same position, to the same opportunities as any other citizens in this land. They are being shut out because the Government have got to accommodate people from outside. There should be no discrimination! Certainly there should be no discrimination against a particular section of the people in the matter of employment, in the matter of facilities, in the matter of opportunities, in the matter of distribution of patronage, in the matter of protection of lives and liberties, in the matter of security of honour and property. But, ~~elas~~ there is discrimination against a particular section, it is against that particular section of the general community, which has been the target of attack, which has been the victim not merely of disturbances, but victim of legislation, victim of the policy and the attitude of this Government which has been systematically pursuing them for the last 12 months. We have cried hoarse, but to no effect. Not till the Government of India came forward—thanks to Pandit Jawahar Lal Nehru—to bring pressure upon this Government, not till there was an agreement between Pakistan and India, that there was any Evacuee Property Bill. It was because of this agreement that the Evacuee Property Bill was brought. When there is no agreement, the Government of Bengal, in spite of assurances, in spite of solemn pledges, which they have gone back upon, has not the courage to bring forward that Bill because others would take them to task. The reasons are obvious and I do not want to go into the details any further.

Sir, I was referring to these refugees. In spite of the fact that we are citizens of West Bengal, Hindus and Mussalmans, we have contributed to the colossal Rehabilitation Fund for rehabilitation of the refugees. By all means provide as much money for them as is possible, provide them lands, provide them careers, opportunities, facilities, openings and whatever accommodation you can afford to them, but not at the cost of the people of this State. Only the other day, as the "Statesman" reported it, on the 23rd March, another provision of 35 crores of rupees was made by the Government of India for rehabilitation of the displaced persons from West and East Pakistan; 11 crores of rupees being provided for people from East Bengal and the balance for people coming from West Punjab and other parts of Pakistan. We have never grudged it. Let the Government of India open up their purse strings; let the refugees be accommodated in the best possible manner—we would share their misfortunes. But no Government will perhaps tolerate any legislation of illegal possessions, no Government in the world will ever authorise unauthorised usurpation and occupation of other's land. As my friend has pointed out, this is in violation of the spirit of the Constitution, it is in total disregard of fundamental rights incorporated therein. I will refer you to the fundamental right about sanctity of property. I know my zemindar friends, my capitalist friends, my Hindu friends, my Muslim friends, all classes and conditions of people will agree with me on this point that Western Bengal people, Hindus and Mussalmans, are being fleeced, are being squeezed, are being sucked dry, are being bled white, are being tortured, oppressed, harassed, deprived of their rights and privileges in order to accommodate certain people—many of them may be *bona fide* refugees, but by far the largest majority of them are spurious, are not *bona fide* refugees—from Eastern Bengal. The Government of Bengal has gone so far as to delete the word 'refugee', to create further confusion, to create further complication. Who is a displaced person? Sir, the ordinary meaning of "displaced" person in the English language is "a person who is displaced from some land"; he may be a Muslim, he may be a Hindu, he may be a gentleman from



East Bengal or a gentleman from West Bengal. But I understand by the word refugee a man who has come from across the border, a man who has come across from the other side or gone to the other side. I can understand the meaning and the significance of a migrant, but it is very difficult to understand the significance of a displaced person, because a displaced person in the ordinary acceptation of the term, in ordinary connotation of the term, would mean a displaced person who has been displaced from his own land—it may be a refugee from Eastern Bengal, it may be a gentleman—a Hindu or a Mussalman or a Christian or a Buddhist—who has been displaced from his own land in West Bengal and must be roaming about in other parts of India.

Sir, I was referring to Government assurances. The Government in reply to certain representation that was made by the Bengal Citizens' Association about trespass of private properties by unlawful association of persons, issuing a Press Note as early as September, 1949, assured the citizens that these trespassers would be evicted. The citizens of West Bengal have never grudged the refugees from Eastern Bengal all the help, all the sympathy, all the consideration, all the money, all the contribution that they could afford to in spite of their difficulties, in spite of the distress through which they were themselves passing. But a trespasser, Sir, is a trespasser, whether he is a Muslim or a Hindu. A law-breaker is a law-breaker, whatever may be the background behind. If a Mussalman is guilty of murder, is guilty of trespass, he must be pursued to the bitter end. Law should be no respecter of persons; law should not be abused in any way. If a trespasser is given right, how can you protect the sanctity of property; how can you protect the sanctity of life anywhere? If any Government gives encouragement to these things there would be no end of chaos and confusion in this land. Normal conditions prevail in Pakistan as normal conditions are prevailing here. I would ask my friends over there, I would ask my honourable friends on this side who have been behind this agitation to ask their friends to go over to East Bengal including themselves and settle down there, to ask them to rehabilitate the refugees, so that they get mixed up with the life of the general community in East Bengal. That would be much better. I have asked my Muslim friends who have crossed over,—99 per cent. of them have already come over to this side.—I have asked everyone of them, in spite of the tortures, in spite of the tyrannies, in spite of miscarriage of justice, in spite of Government having given us no quarter, no shelter, no recognition, no opportunity, no facility in any sphere of life, in any domain of thought, in any field of activity, to come over and settle here in their homeland. I therefore ask in all seriousness my esteemed friend Dr. P. C. Ghosh and Dr. Suresh Chandra Banerji to induce their own people, including themselves, to go over to East Bengal and help those people in the matter of rehabilitation so that they might also, according to their own experience, according to their own wisdom, to their own ideas, prove faithful citizens of the State, contributing according to their light and conviction to the political, to the social, to the moral, to the cultural advancement of their own motherland. That is what I would impress upon them.

Moral considerations have been urged, ethical considerations have been urged. I find no ethics, no logic, Sir, in immoral acquisitions, in immoral gains. Is there any ethics in immoral usurpation by those who have either been compelled or have not been compelled to cross the border? Moral considerations have been urged. With greater force still, can they not be urged for those who have been compelled to leave their own lands in the State although they are citizens of the same State? Strange argument! Political inconsistency cannot go any further. I

would ask my honourable friends on this side and on the other side particularly to consider whether these moral considerations should not apply with the greatest possible force to the case of those unfortunate Hindu and Muslim citizens of the State who have been unjustly, unfairly, sometimes, in the most violent and savage manner dispossessed of their land and whose properties have been looted, or who have been dispossessed of their own land in the most objectionable fashion, in the most unauthorised manner.

Now, Sir, I will come to certain sections where the word "shall" has been substituted by "may". Even where in the case of refugees and displaced persons the competent authority will decide this or that way, the word "shall" has been substituted by "may". Wide powers have been given to the competent authority to decide. He may or may not decide. There was some mandatory section or mandatory clause. Even that has been taken away. I will refer to it because it is connected with section 4. Sub-section (4) of clause 3 of the amendment of my honourable friend S. J. Susil Kumar Banerjee ran thus: "If any person against whom an order under sub-section (3) has been made directing him to vacate the land, refuses or fails to vacate the land within the time fixed by the competent authority, the order may be executed in the manner prescribed". In the original Bill it was "shall". Sir, I shall come to this section again. In the original Bill it was said: "The competent authority shall, if no cause is shown or if any cause or causes is or are shown, then after considering such cause or causes, by order direct every person in respect of whom he is satisfied that he is in unauthorised occupation of the land to vacate the land within such time....." This "shall" has also been changed into "may". In other words, even the competent authority has been given wide powers. He may or may not execute the order. Even the mandatory section which was a saving clause, so far as the unfortunate displaced persons—Hindus or Muslims—are concerned, even that mandatory section has been taken away. The words "*bona fide* refugees" have been taken away. It appears now that not merely *bona fide* refugees but *mala fide* refugees, genuine refugees, spurious refugees, real refugees, unreal refugees, exploiters of refugees, refugees who are being utilised as pawns in the political chess-board by unscrupulous politicians—they are all to be classed into one. Unscrupulous agitators and unscrupulous exploiters of refugees must all be classed together. In other words, there is no sanctity of property, and we are at the mercy of forces of darkness and destruction. I have heard of cases which I will read out for the enlightenment of the House. I had it from Madhyamgram Union in the Barasat subdivision. There is a society called Madhyamgram Jana Seba Samiti. There were certain resolutions passed on 4th March, 1951. I will quote only a few of them for the enlightenment of the House, which will show how these *bona fide* refugees also have been exploited by unscrupulous and designing persons for their personal, for their coterie, for their sectional considerations. I will only refer to Nos. 4, 5, 6, 7 and 8 of the resolutions passed by the Madhyamgram Jana Seba Samiti.

(৪) এই সমিতি গরীবের উন্নয়নের সহিত লক্ষ্য করিতেছে যে স্বায়ত্তশাসন কেইট নহেন, এইরূপ প্রতিপন্ন করিয়া বাকি স্বায়ত্তশাসন ইউনিয়ন বাস্তবায়ন পাতি ও কল্যাণ সমিতি নামক একটি প্রতিষ্ঠানের সৃষ্টি করিয়া গত এক বছর যাবৎ এই গ্রামের ইউনিয়ন বোর্ড ও কংগ্রেস কমিটির প্রতিবাদ সত্ত্বেও এই গ্রামের উপর নানা প্রকার অত্যাচার চালাইয়া আসিতেছেন, তাহারা রেল ধারে ও বড় বড় রাস্তার পার্শ্বের উৎকৃষ্ট জমিগুলিও টেননের নিকট বস্তুি অন্যান্য জমিগুলি, আপন আপন আয়-স্বত্বনও বহু বান্ধব দ্বারা ভরসাবল করাষ্টয়া লইয়াছেন, গ্রামের অধিকাংশ বাগানের কলের গাছ, বাঁশ, পুষ্করিনীর বাছ, নদী প্রভৃতি সমুদ্র কতি করাষ্টয়াছেন যাহার ফলে আদ

বহু গ্রামবাসীর জীবিকানির্বাহের পথ বন্ধ হইয়া আছে, ও অনেকের বন্ধ হইবার উপক্রম হইতেছে, এমন কি সংখ্যা লক্ষিগের অধিকাংশ কবর স্থানগুলি ও এই জবর দখল হইতে রক্ষা পায় নাই। গ্রামবাসীগণ সমবেতভাবে স্ক্রক হইতেই মাননীয় Governor মহোদয়, মুখ্য মন্ত্রী, সংশ্লিষ্ট মন্ত্রীগণ, Relief Commissioner, সংখ্যা লক্ষ মন্ত্রীগণ প্রভৃতি উর্দ্ধতন সরকারী কর্মচারীগণের নিকট বহু আবেদন নিবেদন করিয়াছেন, কিন্তু আজ পর্য্যন্ত প্রতিকারের বিষয় সরকার কি ব্যবস্থা অবলম্বন করিতেছেন তাহা সঠিক জানা যায় নাই।

(৫) এই সমিতি বারাসতের ভূতপূর্ব মহকুমাশাসক শ্রী ডি. সি. দত্ত ও Circle Officer শ্রীদেবদাস দাস গুপ্ত (বর্তমানে রাইটার্স বিন্ডিংশের কেদারী) মহাশয় দ্বয়কে উক্ত বে-আইনী সমিতির ঐ প্রকার জবর দখলের কার্যে প্রত্যক্ষ সহায়তা দানে উৎসাহিত করার তীব্র নিন্দা করিতেছেন ও আশ্চর্যান্বিত হইয়া লক্ষ্য করিতেছেন যে এই সমস্ত অপকার্যের পুরস্কার স্বরূপ, উক্ত ডি. সি. দত্ত মহাশয়কে পুনর্বসতি বিভাগে উচ্চ পদে উন্নীত করা হইয়াছে। মধ্যমগ্রামে জবর দখলীকৃত কলোনীগুলির একটির নাম উক্ত ভূতপূর্ব Circle Officer-এর নামে দেবদাস পল্লী রাখা হইয়াছে। We have heard of Bidhan Palli. We are now hearing of Debdas Palli after a Circle Officer. What the master does, even the servant follows. ও আর একটি পল্লীর নাম শ্রী ডি. সি. দত্তের নামে বীবেশ পল্লী রাখা হইয়াছে।

(৬) এই সমিতি পশ্চিম বঙ্গ বাসীর অর্থে পুষ্টি পশ্চিম বঙ্গ সরকারকে অনুরোধ করিতেছেন যে যে সকল ব্যক্তির দল এই সমস্ত বহুলা জমির তরুণ করিয়া জবর দখল করিতেছে ও যাহাবা প্রত্যক্ষভাবে ইহাতে সাহায্য করিয়াছে ও করিতেছে তাহাদের বিরুদ্ধে যথাসম্ভব অনুসন্ধান করিয়া শাস্তিমূলক ব্যবস্থা অবলম্বন করা হোক। গ্রামবাসীদের মঙ্গলের জন্য মধ্যমগ্রামবাসীগণের জমি জবর দখলকারী “তথাকথিত উদ্যোগের” দল সমিতি বা উপসমিতিগুলি বেআইনী ঘোষণা করিয়া ধ্বংস করা হউক।

(৭) এই সমিতি পশ্চিম বঙ্গ সরকারকে দৃঢ়ভাবে জানাইতেছে যে গত এক বছর যাবৎ এ বিষয়ে তৎকালীন মহকুমা হাকিম, Circle Officer ও পুলিশ Officer-গণকে জানানো সত্ত্বেও কোন প্রতিবিধান হয় নাই। উপরন্তু আবেদনকারী ও আবেদনকারীগণ তাহাদের দ্বারা ধ্বংসোন্মত্তি লাভিত হইয়াছেন।

(৮) এই সমিতি পশ্চিমবঙ্গ সরকারকে অনুরোধ করিতেছেন যে, এ যাবৎ পশ্চিমবঙ্গ জমি উন্নয়ন আইনের অপপ্রয়োগ দেশবাসীর মঙ্গল সাধনের উদ্দেশ্যে বাদে অপরাপর উদ্দেশ্যে যে সকল জমি acquisition বা, তাহার বিজ্ঞপ্তি প্রচারিত হইয়াছে সে সকল অবিলম্বে নাকচ বা প্রত্যাহার করা হোক। একদল লোভী, কুচক্রী বাস্তবহাদাদের সহায়তা করিবার উল্লেখ দেশবাসী তথা বাস্তবহাদাদের সর্বনাশ ও সরকারের অর্থনাশ করে নিজ নিজ আত্মীয় বন্ধু ও সহচরগণের মধ্যে বিনা মূল্যে বা নাম মাত্র মূল্যে বহুলা সম্পত্তি লাভের আইনের অপপ্রয়োগ করিতেছেন এবং এ বিষয়ে পুনর্বসতি বিভাগের সহিত যোগাযোগ দখল পাকা করিবার প্রয়াস পাইতেছেন। আশ্চর্য্যের বিষয় এই যে প্রায় এক বৎসর যাবৎ যে সমস্ত বাগান, চাষ বাসের জমি প্রভৃতি জবর দখল করা হইয়াছে, এক্ষণে একে একে কলিকাতা গেজেটে সে সমস্ত জমি acquisition করার প্রয়োজন বলিয়া বিজ্ঞপ্তি প্রচারিত হইতেছে।

(৯) এই সভা পশ্চিমবঙ্গ সরকারকে অনুরোধ করিতেছে যে পশ্চিমবঙ্গ জমি উন্নয়ন আইনের যে ধারাগুলি দেশবাসীর প্রাথমিক অধিকারের বিরোধী সে সকল ধারা অবলম্বনে সকল কার্য হতে নিবৃত্ত হউন। কারণ দেখা যাইতেছে যে এখনও পর্য্যন্ত নিজ দখলে আছে একপাশে জমি, চাষের জমি, পুস্তবিধী, ফলের বাগান প্রভৃতি তাদের প্রচারিত পরিকল্পনাবিহীন হইয়া gazette হইয়াছে।

I was referring to these things that in Madhyamgram, in Barasat subdivision, unscrupulous persons have exploited even the unfortunate refugees for their own personal ends. Among the refugees also there are *bona fide* refugees, there are *mala fide* refugees and there are refugees of all classes, of all kinds and denominations. The unscrupulous elements are let loose upon *bona fide* people to uproot and destroy them. All our sympathies no doubt go to the *bona fide* refugees and we should show every consideration to them and we should see how best we can help their cause and help them in their rehabilitation. We have no objection to the State and Central Governments doing whatever is possible by them to do to rehabilitate such *bona fide* refugees. We urge

upon the Central Government; we urge upon the State Government here to provide as much money, to give as much resources, to give as much facilities as they can but not at the cost of the citizens of India, of the citizens of the State, not at the cost of those people who had been made the unfortunate victims of communal disturbances hatched behind the scenes and aided and abetted by various political organisations and unscrupulous political leaders in collusion and conspiracy with the police officers as a result of which they had to go away leaving their home and hearth in this State. The Government should have kept a vigilant eye at that time to see that no clash took place between the local Muslim residents and the incoming Hindu refugees and they should have found accommodation for these refugees instead of shamelessly bringing forward this Bill at this late hour to rehabilitate the *bona fide* refugees, after the harm had been done to the unfortunate Muslim victims now displaced. Sir, I had many more points to suggest, but, before I conclude, I would refer to one saving clause to which my honourable friend Dr. Rafiuddin Ahmed referred with the highest possible glee. That saving clause also has not been saved and has been snatched away by Sri Susil Kumar Banerjee's amendment as the *bona fide* refugee disappears in the thin air. The saving clause was provided that "No land shall be acquired in pursuance of this section except with the consent of the owner thereof if the owner is entirely dependent for shelter or livelihood on such land".

**The Hon'ble NIHARENDU DUTT-BAZUMDAR:** It has not disappeared.

**Janab Syed BADRUDDUJA:** It is about acquisition; it is not about eviction. If my honourable friend Mr. Niharendu Dutt-Mazumdar will refer to sub-clause (2) of clause 4 as proposed by the amendment of Sri Susil Kumar Banerjee, it reads thus with the proviso added: "(2) The State Government, on the application of the owner of any land or of its own motion, may, if it thinks fit so to do, acquire any land or any part thereof for a public purpose. Such acquisition shall be made under the provisions of the Land Acquisition Act, 1894: Provided that no land shall be acquired in pursuance of this section except with the consent of the owner thereof, if the owner is entirely dependent for shelter or livelihood on such land". This is only in the case of acquisition of land by Government for a public purpose. There is no reference here to the land of the displaced person already in unauthorised occupation of the refugee. So there is nothing to be jubilant over this provision.

Sir, I have no illusion about this Government. But still I would appeal to this Government specially as the Hon'ble the Chief Minister very kindly observed the other day that this Government was capable of doing wonders. Certainly he is a man of wonders in this Province. He has done enough wonders during the last 12 months as Chief Minister of the Government of West Bengal. The Hon'ble the Chief Minister again observed the other day that if he stooped down to accept the suggestions made by the Opposition he stooped only to conquer the great problem of rehabilitating the refugees. May I appeal to him to stoop a little lower to win the hearts of the depressed, distressed and tortured thousands and hundreds of thousands of Muslims who have been displaced from their lands and houses in this State? May I appeal to him to rise to the height of the occasion? Providence has placed him at the helm of affairs in this State. He is in his seventieth year and I pray that he may be spared for a long time more to guide the destinies of this Province.

But then the shadows of the evening are fast closing in upon him. May I appeal to him once again to make one noble gesture, one generous gesture to heal up the lacerated hearts of the hundreds of thousands of Muslim displaced persons who have no quarter and have even no means of livelihood as they had to leave their own home and hearth in the face of the onrush of Hindu refugees from across the border and as a result of communal disturbances tomented by a section of the people in the State? When the situation came to normalcy, the displaced Muslims wanted to settle in their own houses and in their own lands, but when they came they saw that the refugees from East Bengal had been still in unauthorised occupation of their houses and there was none to put them back in their own home. May I appeal once more to the Hon'ble the Chief Minister to create yet another wonder by rehabilitating the real owners, of the houses or lands now in unauthorised occupation by the refugees, in their own places and in their own home from which they had been dispossessed for no fault of their own?

**Janab MD. KHUDA BUKHSH:** Sir, I rise to support the amendment moved by my honourable friend Syed Badrudduja. Sir, this Bill has been characterised by the sponsor as the charter of rehabilitation. On second thoughts I found that it was so and it was the charter of rehabilitation in the sense of rehabilitating those who have come and trespassed into lands belonging to others—here I speak for the Muslims only whom I happen to represent here—(The Hon'ble NIGARENDR DUTT MAZUMDAR: They are the orphans of Independence). He is forgetting that there are other orphans left to the care of the Congress Raj here but who have been forgotten in this charter of rehabilitation. It is in respect of this class of orphans, I mean the Muslim displaced persons, that I want to draw the attention of those honourable members who talk so glibly about the orphans of independence and wax so eloquently over their fate. This Bill tries to rehabilitate those displaced persons who have come from across the border and trespassed into the lands of poor people, in most cases, Sir, the latter are poor and they are Muslims. Sir, the other day I heard an honourable Communist member here gave an unnecessary twist, of course he was also being helped by a Socialist member. I do not understand why this unnecessary twist should be given to this question. May be that one or two big landlords are involved and may be that one or two big landlords have got their lands illegally built upon by the refugees. I ask them to give us the figures if they have any of the total quantum of lands trespassed into and to deny that most of the lands trespassed into and illegally occupied by the refugees belong to the hapless Muslims who are now roaming about in West Bengal without any shelter, without any consideration from any quarter either from the Government or from the so-called refugee leaders. Sir, we have heard about *bona fide* refugees as well as *mala fide* refugees; now we are coming across *bona fide* refugee leaders and *mala fide* refugee leaders also. I have been asked by an honourable friend with whom I personally had long association ever since we formed ourselves into an Opposition to shed my communal outlook in broaching this question. I was not at all communal in broaching this question. I was only talking of realities because I know hundreds upon hundreds of acres of lands in Nadia, Murshidabad and in 24 Parganas belonging to the poor Muslims have been trespassed into and taken possession of and built upon, all done illegally. And it is to those unfortunate set of people who are nationals of West Bengal that I wanted to give protection. But since I find that the honourable members are more concerned for the welfare of the refugees who have come from across the border to this province in preference to the miseries and woes that have been suffered by their brothers and

sisters here, nationals of their own land, I hang down my head in shame. I can only tell this Government as I briefly referred to it on the first day that it was through coercion that Government has seen their way to change the title and the preamble and even the character of the Bill. I can tell this Government that no Government can exist by yielding to coercion and especially to this Government and to those members who are nodding their heads in approbation that they have no place to exist as Government.

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** Not in approbation but in disapprobation.

**SJ. JYOTI BASU:** Mr. Speaker, Sir, so long all these days when we have been speaking on any particular subject in this House, we have had occasion to direct our attack at the Government benches and the Ministers sitting opposite and there was almost unanimity on this side but with regard to this particular Bill which is before us, I find that let alone unanimity this Bill seems to have generated a lot of heat and I am afraid that sober thinking does not exist now. Janab Syed Badrudduja and Janab Md. Khuda Bukhsh have spoken and I shall have to painfully draw their attention to certain facts. I would appeal to them to be sober and to be conscious of the situation. But I am afraid whilst I was listening to them—not because Janab Khuda Bukhsh just now referred to me, I felt that I should ask myself whether those speeches were helping the Muslims whose champions they seem to be. I was thinking whether such speeches would help the West Bengal Muslims whose champions they have become today in this House. But unfortunately the conclusion that I would come to is that they were helping no one, neither the refugees nor the Muslims nor the people of West Bengal generally. I should have thought that the amendment which was moved by Janab Syed Badrudduja would be pressed for and that he would argue on that amendment and try to convince the Government even at this stage to stop a little and to see whether any provision could be made for the poor Muslims who have been deprived of their land and building. But he did not do anything of that kind. Sir, I wish to remind you of a few things which he has said. Probably he was not speaking from notes but he was speaking *ex tempore* and therefore in the heat he must have lost a little balance and therefore ultimately what does his speech point out. He was talking about many things and I heard him speak of the sanctity of private property but never have I heard him to speak about the sanctity of human life and human rehabilitation. I have heard him call the refugees as trespassers and I have heard him say that a law-breaker was a law-breaker and that he should be so dealt with. He has said that there was no ethics in immoral acquisition by which he meant the occupation by the refugees of lands belonging to others. Then he appealed to certain members of this House to go back to East Bengal together with the refugees and try to settle there. Janab Khuda Bukhsh has said, if I may remind you, that I had given some unnecessary twist. I do not know what he meant by that. Then he has said that most of the lands which have been occupied by the refugees are lands belonging to the poor Muslims. If these are the points which are made by members from the opposition then I am afraid that it shall also be my unpleasant task today to point out to them a few facts which I have appealed to them to have placed very soberly. It is a fact that the West Bengal Government, when it brought forward this Bill, did so with a view to evict the people. I believe that interpretation was quite right and I also in my speech last time tried to point that out, because facts are clear enough and the Bill is clear enough with regard to that, and that is why there was so much agitation against the Bill, both

by genuine agitators about refugees as Janab Khuda Bukhsh has put it and by spurious ones like me probably as Janab Khuda Bukhsh would put it. Even today, I am surprised to hear from Janab Khuda Bukhsh that the refugees by not accepting clause 4 of the Bill even with the proposed amendments were in the wrong. But the point I was trying to make is that even though the Government brought a Bill to evict persons, I tried to point out on the last occasion that it was because the Government felt, not only the Government of West Bengal but the Government of India felt that private property was more important than the lives of refugees and I wish to emphasize that point even this afternoon. But thereafter when there was an agitation we find a sort of division of opinion both inside the Congress Parliamentary Party. I am told, and amongst certain sections of the people of West Bengal. But I have not understood as yet as to what basic concessions Government have made in this particular Bill. Because as far as I am concerned I have not got the figures but I would ask Janab Khuda Bukhsh to give figures if he is able to in order to prove it really the lands of poor Muslims have been occupied to the extent, he has made out today. Then I am sure that everybody will see to it that those lands are returned to those people. And I can assure Janab Khuda Bukhsh that though he is a Muslim he is not probably a greater champion of the poor Muslims, especially as he is a zemindar and *jotedar*, than I am, as a communist, because I do not believe and I tell Janab Khuda Bukhsh that no zemindar and no *jotedar* can be a champion of the poorer sections of the Muslims, more than I can be. (Janab MD. KHUDA BUKHSH: Prove it.) Therefore I would say this that as far as I am concerned and as far as my figures go, it concerns the lands belonging to big people which are ~~lying~~ <sup>lying</sup> fallow and vacant, and that that constitute the majority of lands that have been occupied by the unfortunate refugees from East Bengal. But it is also a fact that in Calcutta, in 24-Parganas and in other places examples have been given by members on this side that there are lands belonging to the Muslims but because of the riots they have gone away to other parts of West Bengal or India or who have gone away somewhere else. Anyhow, they have lost their lands and the people who have been coming here from East Bengal are not provided for by the West Bengal Government. It was in that situation—not knowing to whom the lands belonged—and the refugees could not deliberate on that point. They had no time—their children were dying and their women-folk were roaming about in the streets—therefore, they had to occupy these lands. If it was a case that certain people—certain Muslims, for instance—if the majority cases were such that they were driven out of their houses by the incoming refugees and then their houses and lands were occupied, then that would be another thing. But, as far as I know, most of the lands in Calcutta, 24-Parganas and other places belong to the Muslims who had gone away somewhere else because they feared that their lives were in danger and after that the East Bengal refugees occupied their lands. That is absolutely a fact. We know those facts. Even from Nadia—I had been there—people have given us examples. Day before yesterday, people came from Nadia and I asked them about this particular point because this was raised by Janab Khuda Bukhsh and others. They told me that these lands belonged to the Muslims. There were many lands belonging to the Muslims some of whom had gone to East Bengal but the others remained in West Bengal although they have left those lands because they were afraid of their lives and they have settled elsewhere in West Bengal. Therefore, if Janab Badrudduja's point is accepted, if this amendment is accepted, their cases would be covered. But I do not know why a storm has been

raised over a tea-cup. If he pressed that particular point and if he tried to explain that particular point instead of directing his fire at us, I think the situation would have been better and we could have unitedly seen to it that the Muslims got back their lands, specially the poorer section of the Muslims. Anyhow, as far as I am concerned, that is my reading of the situation, but I can tell the honourable Muslim members who spoke just now that as far as the richer section of the Muslims is concerned, if their lands have been occupied, then they must not and shall not get back their lands as the Hindu landlords shall not and must not get back their lands. The point unfortunately has been a little overlooked by the Muslim members sitting on this side. They have not spoke as a whole, but as far as I am concerned, in that I can assure the two Muslim members that the Government would be one with them because to them private property is more sacred than human lives and, therefore, they will be one with them. They must be given back their lands and, therefore, they also talked about the sanctity of private property. But I am not with them. If these lands belong to rich Muslims, then they must not get back their lands. If it is a house from which a Muslim has been driven out—even if he is a rich person—if he has lost his house, then that is another matter. But if it is a fallow land lying there and if he also gets back the land and sells the land at Rs. 2,500 a *cottah*—this was referred to by Janab Badrudduja—then he shall not get back that land because, I think, the lives of the refugees are more important than Rs. 2,500 a *cottah*. Even then, I should say that our Constitution, I think, is reactionary on that point because it says that without giving compensation you cannot take the lands even of the rich people. Our Indian Constitution, which to me is on that point reactionary, agrees with the views of the gentlemen sitting before me with regard to private property and giving of compensation and so on. But my point is that if compensation is to be given—because unfortunately our Constitution stands in the way—then let the Government give that compensation. The refugees cannot give that compensation. If the main purpose of getting back the land is to sell the land at profit, then I say it is better that you do not get back the land. If the Constitution stands in the way, let the Government give them the price for these lands—we have no objection. But do not make these unfortunate refugees refugees once again. They have already been refugees. Why ask them to leave the land where they have settled?

The second point which I should like to bring out with regard to clause 4 is that I have tabled an amendment because I do not accept the amendment which has been suggested by the Government. A lot has been made about some sort of agreement with some sort of people outside the Legislature. But as far as I am concerned, when we were discussing this particular clause, at least I made it quite clear that the main purpose should be to see that the refugees, if they are settled on particular lands, should not be disturbed a second time, their settlements should not be broken up and, specially, if they have rehabilitated themselves by starting business or otherwise, then it should be seen by the Government that this land is acquired by the Government and they should see to it that they are settled on this particular land. But if these lands are such as are required by the Government for a public purpose, then only an exception can be made. But, unfortunately, Government has not accepted such an amendment. In their amendment they have made the situation a little more difficult for the Government officers or even the competent authority to get rid of the refugees from the land which they are occupying because formerly in the original Bill



it was just said generally that unless land can be provided elsewhere, the refugees will not be disturbed. Their land could have been provided in some jungle or other place and this would have been released from the refugees and given back to the owners. But now some form of restriction has been placed and this is some sort of improvement. There is no doubt about that. We have discussed this matter with the refugees and the main point that they are concerned with has not been conceded by the Government and unfortunately the Ministers also while talking on this particular Bill have not made it clear that it is their set purpose to see that the colonies will not be disturbed, that the settlements of refugees which they have built up by selling whatever little possessions they had are not going to be disturbed. Sir, I may remind the honourable members of this House that most of these refugees are not zemindars or *jotedars* or rich people or rich businessmen—most of them are unfortunate poor people belonging to the poorer section of the society. Therefore, it is impossible for them—if you just drive them away by giving them land even according to the amendment proposed by the Government in clause 4—again to build up their houses, again to build up their settlements, because, as you know, when the refugees started coming in, they saw to it that that particular section of the refugees who have flocked to West Bengal from Dacca, Noakhali, Tippera or other places, that particular section of the refugees coming from a particular district who are accustomed to a particular way of life, settled in particular places in West Bengal. Now, if they are scattered about once again, it means that they will lose contact with their friends and relations and the social surroundings which they have built up in these settlements and in these colonies. That is why my specific purpose in bringing this amendment my specific purpose in discussing this with the Hon'ble Chief Minister and others was to see that these colonies and settlements were not broken up, but unfortunately, that has not been accepted by Government. I can understand if there is a particular settlement and 90 or 99 per cent. of that settlement work in some offices or factories. An example was given while discussing the matter. Supposing there are some people in Tollygunge and they are employed in Dalhousie Square in some offices or in factories. Why is it that they cannot be removed either to Behala or some such place from where they can easily come by tram or by bus? We can accept that position, but, unfortunately, that is not the position in reality. In the colonies there are mixed up people and the vast majority of them are not in any profession; they have got either a tailor's shop or some kind of shop there; there are also people who are trying to set up some sort of business, and we know it for certain that these people cannot get any jobs anywhere. That is the majority position. And if the Government comes and tells us that people are employed in offices or factories and they have been removed, then we cannot accept that position, because that is not the reality, and that is why I move this amendment. I have also suggested that if these refugees for the time being cannot be removed for certain purposes and if they have to stay for the time being in the particular lands which they are occupying, then for that particular period, if any compensation or consideration has to be paid, then that should be paid by the Government. To that effect also I have moved an amendment, because the situation is quite simple. The refugees have no money to pay either consideration or compensation. Government will have to rehabilitate them. Government will have to pay that compensation or consideration. I find that that point has neither been accepted by Government nor have they understood that point which I have tried to make.

Thirdly, I have suggested that if a displaced person is ordered to vacate a land, for instance, if we take away a land for public purposes, then he will be ordered to vacate the land which cannot be helped. In that case all costs for rehabilitating him,—for building structure, for lodging and so on—should be borne by the State Government. If this is not done and the Government comes forward and says that they would give them loans of Rs. 1,200 and so on payable by instalments, then, I am sure if they have to break up their homes and if these displaced persons have to build up structures on new lands which will be provided for them, it will be impossible for them to do so. I would suggest that this should be made clear in the body of the Bill that they will be provided with money and other things to build the structures. But, unfortunately, Government has not accepted any of these provisions. I do not know what is in store for us, and what the Hon'ble Chief Minister will tell us, as he has come back from Delhi and he had surely a talk about these matters with the members of the Working Committee and with the Members of the India Government. I do not know what he has brought for us, but as far as this Bill is concerned, if it is not changed in the way that I am suggesting and with the amendment as given notice of by Janab Badrudduja, I am afraid that this particular clause will not be accepted by me.

Lastly, Sir, I should like to make another point very clear with regard to this particular section and with regard to the point which has been raised by Janab Badrudduja, that is that it may be asked, as the Muslims do come and ask us "what will you now do if this Bill is passed with regard to the lands which we have got"? A similar question has been asked by the Hindu refugees that if this particular Bill is passed, then what will happen next? Well, I think the answer is the same as far as we are concerned. We must see to it by our united movement that it will be impossible for the Government to carry out the provisions of this Bill both with regard to the refugees—displaced persons—and with regard to the lands belonging to the Muslims. Now the point is that it is for us, and I can assure the Muslim members on this side of the House that if they are so much concerned really about the fate of the Muslims, not because their religion is the same, but because they are concerned about the unfortunate people generally, then I shall say "join hands with us".

**SJ. SUSIL KUMAR BANERJEE:** Here is an offer!

**SJ. JYOTI BASU:** Yes; it is a good offer. And let us go to the refugees. I have the courage to go to them, if nobody else has that courage. I will tell the Hindu friends and refugees, however unfortunate they may be, that if this land belongs to a poor Muslim, and if he has come back and wants the land, then you must give it up—Government or no Government, law or no law. When the Evacuee Property Bill was passed, at that particular time I had given notice of an amendment which was not accepted by Government where they said that if necessary force would be used to get rid of the Hindus. On that the Muslims came to me and they said "we appreciate your amendment, your point". Of course, they were not zemindar Muslims or *jotedar* Muslims, they did not have any big factories, but they were our friends who work in the factories belonging to our union. These people who claim to talk about our interest do not understand the situation that we have been placed in. Now here is a desperate communal situation facing us whether we like it or not. For instance, if the Hindus have occupied particular lands or houses belonging to the Muslims

and the Government comes with a police force and ask them to quit the lands or the houses and they use force to get rid of them from those lands or those houses, then I can tell them that no Muslim will go there, because they will be afraid that in this situation a communal frenzy will be roused. That is why they—these poor Muslims—have a much better sense of reality. They came to us and told us “let us have a joint committee, so that we can work mutually amongst ourselves”. We can persuade the Hindu refugees to give up those lands, and this is the only way of doing things.

Sir, I shall point out another thing for the benefit not only of the Muslim M.L.As. but for the benefit of this House. Last time when the House was adjourned—the next day we saw in the papers some sort of a thing which had happened, it seems to me, on the Congress side in the Assembly Party. Some Ministers wanted to resign. Of course I do not believe it because no Minister will want to resign. However, Sir, this is a very important point, because all the time we find and I claim that there are certain Congress leaders belonging to West Bengal who have seen to it that not only communal poison but the poison of East Bengal and West Bengal is being roused in West Bengal and specially in some districts of West Bengal. A letter was read out by Janab Badrudduja. I ask him not only to see the Muslim point of view there but to see that there are certain gentlemen who were trying—

**Janab SYED BADRUDDUJA:** They are Hindus.

**8J. JYOTI BASU:** Yes; they are Hindus and that is the point which I was trying to make. These Hindu gentlemen—they are landlords, they are rich people and some of them are Congress leaders—are trying to tell the West Bengal people that all your miseries are there because of the East Bengal refugees. If the East Bengal refugees had not come and occupied your lands in West Bengal, then we would have made a heaven on earth for you. That is what they are trying to tell the West Bengal people and on this point I shall say a few more things later on in the third reading of the Bill. I was drawing the attention of the House because this poison is being spread. Sir, on this point I shall have to say a few other things later during the third reading of the Bill. I wish to draw the attention of the House to this point because this poison is being spread by people of that side of the House. Therefore I say that we on this side of the House shall say to the people of West Bengal that East Bengal refugees have done them no harm and they will never do them any harm, they shall be together with them and with them they will solve their own problems, Government or no Government. We shall tell our Muslim friends that we shall mutually so arrange matters that the lands belonging to the poor Muslims shall be left alone but if they belong to rich landlords like Janab Khuda Bukhsh, then those lands shall be occupied.

Therefore, Sir, in conclusion, I say that this point should be soberly thought of by every member in this House. It is no use our trying to raise a lot of clouds and miasma by way of propaganda both inside and outside the House and thus give an opportunity to the members sitting on the Government benches to turn round and say we are using the refugees for political purpose. On the other hand, I challenge them that they are using refugees for political purposes otherwise how is it that in Nadia and in other places Congress leaders could stand up in public platforms and say that they shall take 10 Muslim lives for one Hindu life. This is going on as a sort of propaganda and I want to

know from the Hon'ble Chief Minister whether he is aware of such things. I had been to Krishnagar and the people there gave me these facts telling me that Congress leaders are saying like this. (The Hon'ble NIRENDU DUTT-MAZUMDAR: Utterly false, a slander.) This is no slander. I ask them to go to any district of West Bengal and find out whether or not West Bengal people are being roused against the East Bengal people, but I am sure because of the good sense and the democratic sense of West Bengal people they will solve the refugee problem successfully. The people of West Bengal, I know, will not listen to the Congress leaders but they will listen to us and we shall solve the refugee problem in our own way. (The Hon'ble BHUPATI MAZUMDAR: *Muskil asan, Amen!*)

**Shaikh MOHAMAD RAFIQUE:** Mr. Deputy Speaker, Sir, it is really unfortunate that there has been considerable change in the character and structure of the Bill and also change in the attitude and policy of Government. It is also possible that some unpalatable remarks and observations made by some Muslim members may have made Government obstinate. Sir, our experience always has been that whenever two factions of the Hindus fight, it is the Muslims who suffer. Sir, the Bill as it was introduced originally, gave some relief to the displaced Muslims whose houses had been forcibly occupied by the non-Muslim refugees; but after the changes made therein and the amendments which have been made in the Bill by the Chief Whip of the Government, we find that all the improvements have been made at the cost of the Muslims. Even, Sir, from the nervous movement of Dr. Roy I could see that he was himself surprised when his attention was drawn to some of the adjectives which were removed from sections 3 and 4 of the Bill without his knowledge. The word "shall" has been changed to "may" and the words "bona fide refugee" have been changed to "displaced persons". Sir, our case is very simple. We come under three categories—(1) Muslims who during those troublesome times went to Pakistan and remained there, (2) Muslims who went to but came back from Pakistan, (3) Muslims who left Calcutta and went to some other places in the State of West Bengal or to some other States in the Indian Republic. Provisions have been made in the Nehru-Liaquat Pact to give relief to those Muslims who left West Bengal for Pakistan and did not come back as well as for those who came back from Pakistan but those Muslims who wanted to be loyal to the Indian Republic and showed patriotism and took shelter in other places in Calcutta or in other parts or States in the Indian Republic when their houses were looted and forcibly occupied have been suffering for their loyalty and for their patriotism. There is no provision in the Bill for their reinstatement. Sir, we were given assurance that adequate provision will be made to reinstate these Muslims and on the last occasion we were told by Dr. Roy that though he would not differentiate between two Indians whether he is a Muslim or a non-Muslim, he would bring forward a Bill to accommodate such persons. I think he was wrong in treating the cases of a Muslim and a non-Muslim alike in such matter. Because a Muslim left his house in Calcutta not because he wanted to leave it, but he was forced to go away, on account of the Government of the country not being able to give him any protection. He was made to go on account of the atrocities committed by the police, with the help of those who pose to be leaders of men in West Bengal. Now, his case is not to be considered along with a non-Muslim and that is my point. My friend Mr. Jyoti Basu has said that he would give an assurance to Muslims and see that these Muslims get back their houses. When the Government failed to give us an assurance, I do not know what value can be attached to his assurance.

Sir, 4 lakh Muslims want to be rehabilitated in their own homeland. They are loitering in the streets and villages hoping against hope to get back their own houses.

Sir, there is another danger which I want to bring to the notice of the honourable members of this House. Unfortunately the present relations between the two countries are such that if we do any bad thing here in India there will be a repercussion of that very act in the other country. You must have seen in the newspapers that the other country has adopted some measures concerning the intending evacuees which are, in my opinion, retaliatory measures so far as the Evacuee Bill is concerned. I fear, Sir, if our Government is bent on driving these Muslims from their homes and houses and ignore their legitimate claims for reinstatement, it is quite possible that the other country might adopt similar measures that might be harmful and injurious to our friends in East Bengal and to those thousands and thousands of East Bengal refugees who are returning back to be rehabilitated in their own homes. This may happen if this aspect of the case is not considered by the Government here. The Government of West Bengal may undo the good work done by Nehru-Liaquat Pact.

Sir, everybody feels that after the Nehru Pact, the Muslims who have been uprooted from their homes—whether they have gone to Pakistan or come back, or whether they have gone to Burdwan or to Delhi—they must be rehabilitated and their lands and houses must be restored to them. Of course, constitutionally our Chief Minister can draw a line of demarcation between the category of Muslims. But I do not think he feels that a Muslim who was ousted from his house and stays in India is not a sufferer. He admits that he should be reinstated in the same way as another sufferer is reinstated, but he does not provide him with any relief in this Act. So I claim that Government should also consider that point of view and accept this amendment that in the case of a Muslim who has been deprived of his house or land, he should be allowed to come back and his land and house should be restored to him if he proves that he has got no other place to live in. I am not talking of rich people who can afford to live in one house or another. I do not understand why Government is anxious to rehabilitate the refugees in the same place where they are at present. Government can acquire land under the Land Acquisition Act, in different places, build houses and rehabilitate the refugees in those places. Why should they be armed with law to retain forcibly those houses and lands which belong to the displaced Muslims? Sir, I may tell you frankly that we, Muslims, feel that there is a persistent and well-conceived plan to deprive and turn us, Muslims, who did not leave the country in the year 1947-48. I will give you some examples of how this plan of driving the Muslims out is being carried out. The Hon'ble Minister in charge of Rehabilitation and Co-operation, while presiding at a function of the Calcutta Muslim Orphanage only last month, said, when the proceedings commenced with citations from the Holy Quoran, that the days of citing from the Quoran were gone; they must adapt themselves to Jana Gana Mana now if they want to live in this country. Similarly, on the last occasion while this Bill was being considered it was said that the saying of prayers on Fridays is not necessary, and should be done away with.

Sir, these are small things perhaps not of much importance, so far as the Government is concerned. But I may tell you how we feel when we see that a Government which has not been able to drive away the entire lot of Muslims from the State of West Bengal adopts indirect measures so that the Muslims might be compelled to leave the State of West

Bengal and find shelter elsewhere. Sir, this is another of the measures which has been brought in to deprive four lakhs of Indian Muslims of their lands and houses which have been forcibly occupied. They are not rich people. They have not got big funds to help them. All the well-to-do Muslims have left on account of oppression, and it is only the poorer people who are left behind. They have not sufficient money to fight in the court of law and carry on protracted litigation. The Bill has been so drafted that the resources of the poorer people will not enable them to claim the protection of law: there are many ambiguous phrases in the Bill: the definitions are not very clear: the term "displaced person" may mean anything to a lawyer, and will include people of all categories. So I would request my friends to think about it. If they honestly want that we, Muslims, should remain and live in West Bengal, They should find out ways and means for our rehabilitation in this State. They should do something by which we can live peacefully, our houses and lands are restored to us. Mr. Jyoti Basu said, even if these lands are given back the Muslims will not go back to their houses. He is entirely mistaken. Sir, I have seen the Muslims occupying their houses whenever the same have been restored to them. I have also seen poor Muslims who once lived in their houses in Rajabazar area now living in a verandah and open space of their houses for months and months in the hope that Government will restore their lands and houses to them. Even in the rains and in the scorching rays of the sun they have been living in the open. Sir, there is also another flaw in the Bill that lands and houses are to be restored to the owners and not to the poor occupier, and the owner alone shall be entitled to compensation.

The second flaw is that it deals only with the owner of the land and the displaced refugee. But, Sir, what about those Muslims who never had any land or house but lived there as tenants-at-will? This Bill with the amendments takes away their rights as tenants-at-will. A tenant has got no right whatsoever to claim his portion of the land. Even if the Government acquires the land, he is nowhere in the picture: it is the owner of the land or of the house who comes in and the displaced person does not get compensation. He is not even assured of a shelter in any other place. Sir, in this State, we feel just like the fish which while trying to get relief from the frying pan went into the fire. It has been our experience that the Government, if it gets a little admonition or threat from any quarter, is so nervous that it dare not extend even lip sympathy to the legitimate claims of the minorities of this State.

So, Sir, I would just request the Government that they should give us some assurance. I know the Bill will be passed in spite of our opposition, and the position of displaced Muslims is doomed for good. I would suggest that some sort of assurance should be given by the Government that those Muslims who have been forced to leave their houses shall be rehabilitated in those very houses or at some other place, and that no land of Muslims should be acquired forcibly. Even Article 31 of the Constitution provides that except in the case of requirement of a land for public purpose, no property should be acquired. This Bill under a definition provides rehabilitation of refugees as one of the public purposes. We do not know how far it can fit in in the Constitution. The best course I could think would have been to start acquisition proceedings for lands which are lying vacant in and around Calcutta. If the Chief Minister had taken pains to enquire he would have found that there are hundreds of acres of land which the owners are willing to sell and these lands could be purchased at reasonable prices by the Land Acquisition Collector. I know Muslim owners of land are willing to sell

their lands to the appropriate authority but not the houses they live in. If these lands are acquired with their permission through the proper channel, many good houses and colonies could be constructed there. Sir, as I said, we feel there is a persistent effort to drive the Muslims out of the State gradually. We have our experience that even in proceedings in a court of law we do not get fair treatment: if the judge is a person who comes from East Bengal, his judgment is quite different from that which is delivered by a judge who belongs to the province of West Bengal, and our fear is that when proceedings under this Act take place in courts, the decisions may be so varied and so different that in the long run we, the Muslims, will be the greatest sufferers.

With these words I would request through you the Chief Minister to consider this point of view and not be afraid of the bullying tactics of the Opposition. The Opposition consist of seven persons, and he should not be afraid of the demonstration at the Maidan, he should not think that they can do anything so long as he is in the right and is not doing injustice to anybody.

**The Hon'ble Dr. RAFIUDDIN AHMED:** On a matter of personal explanation, Sir. If you kindly permit me, I want to point out that Mr. Rafique has wrongly quoted me with regard to my speech while I was presiding at the Calcutta Muslim Orphanage. I did say, Sir, that recitation from the Holy Quoran was excellent, but I also said that in 1951 every Indian boy and girl must know the "Jana Gana Mana". I still maintain that same attitude. I never said that they should not go to Friday prayer. The question of prayer did not arise there at all. It is my own personal feeling that you can pray five times a day or ten times a day—it is your will. Ours is a free country. If I want to pray, I pray; if I do not want to pray, I do not pray. Speaking personally, I can say my *namaz* in a mosque or a temple or a church—it is just my feeling.

**Shaikh MOHAMAD RAFIQUE:** I am glad that my friend has refuted me, but my friend should know that "Jana Gana Mana" cannot be recited on all occasions, and perhaps the Chief Minister will tell his colleague about it.

**SJ. SIBNATH BANERJEE:** Mr. Deputy Speaker, Sir, it is said and rightly said that adversity brings strange bed fellows and in the Opposition, we have got strange bed fellows. It is very clear to everybody. Nobody can expect that a man from the Krishak-Proja Party, a man from the Socialist Party, a man from the Congress Party, a man from ex-League, ex-Krishak-Proja Party, would have the same opinion. If anybody thinks like that he should go to Dr. Roy for treatment. What is most strange is those from whom we could expect more or less unanimity and the Working Committee has said that they must not say things in public, if there is disagreement, what did we find on that day. There has been refutation but the facts are there. Those who have keen eyes and sharp ears have heard what was said. It was published in the newspapers also. So, not only adversity but prosperity also brings strange bed fellows.

**SJ. J. C. GUPTA:** On a point of order, Mr. Deputy Speaker. I think it is well-known parliamentary practice that nothing which takes place in lobby and outside in party meetings are referred to in the House. My friend Mr. Sibnath Banerjee has long been in this House and I am sure he has never seen any reference to lobby talks in this House.

**Mr. DEPUTY SPEAKER:** This ought not to be referred to. Mr. Banerjee, you must not refer to these talks in the lobby in the House.

**SJ. SIBNATH BANERJEE:** I stand corrected, specially as my esteemed friend Mr. J. C. Gupta has pointed this out, but many things happened in this House including—well, I need not say what (laughter)—and led by Mr. J. C. Gupta. Any way, let us not think of those past days now. It appeared in the newspapers which can be referred to—Mr. J. C. Gupta should know it—and I said whatever was said here; but that is neither here nor there. It was published in the newspapers and there has been no refutation either by the one or the other. Any way, it is a known fact that adversity brings strange bed fellows, so also prosperity.

Any way, I do not find my friend Janab Khuda Bukhsh. He has been blunt—I am glad, I thank him for it. In spite of whispering campaign he has given straight talks in this House and he will excuse me if I am a little blunt—I am usually blunt—and he will bear with me in the reply that I have to give. Regarding Janab Syed Badrudduja, I am in great difficulty. In this House and outside he has praised the Socialist Party and has named myself so much that it is difficult to criticise him in the way that his speech today deserves, but I must do the needful. Let there be a proper understanding amongst ourselves, vis-a-vis this side and the other side and amongst this side also, so that there may be no misunderstanding. If we know the socialist under a given circumstance well, that will be expected of him and nothing else, and I would only say, Syed Badrudduja will excuse me—he has been in this House for a long time—that he has been talking about abolition of landlordism and he never talked about violating the sanctity of private property, but he talked about abolition of landlordism.

**Janab Syed BADRUDDUJA:** This is incorrect. I have never said that there is no sanctity of private property in my whole parliamentary career, I have only pleaded for abolition of zemindary. Do not mislead.

**SJ. SIBNATH BANERJEE:** Abolition of landlordism—how? By giving full compensation. If that is so, there is honest disagreement between him and me. Let everybody know it for all times to come, but I am not warning him on that subject. That is an impracticable proposition. Nobody says abolition of landlordism is possible by giving full compensation. He is talking about matters about which he does not know much. Even Gandhiji said that abolition of landlordism by paying compensation is impossible, absurd. We have seen in different provinces; they have accepted the position; they are not trying to give full compensation, they are trying to give some compensation—we are, of course, against that policy. In my speech the other day as also on all occasions I have attacked the Government on the question of sanctity of private property. The main burden of attack has been—to them sanctity of private property is more sacrosanct than human lives or any other values in life or in society and unless they can shed their ideas of sanctity of private property, no radical change, no fundamental change in society either here or anywhere else can come, and what I have been telling the Government applies to Syed Badrudduja also if he feels that without attacking sanctity of private property any fundamental change or any improvement in the lot of the common man can be achieved.

He said law is law and anybody who violates the law should be dealt with as such. He has been with us on some occasions, at least we got his support, tacit or implied, when we broke the law on many occasions



in the past, and I believe he has also led sometimes. Any way, if he has changed his opinion about it, I have nothing to say. But we do believe that there is nothing immoral in this. The present system of society is immoral. Tatas, Birlas and zemindars are immoral. Thousands and hundreds of thousands of people are unemployed, are starving today. That is an immoral state of things which has got to be changed, mended or ended. We are trying to end it. If not, it will be mended in spite of Mr. Badrudduja and others. That is a fact, a stark fact which must be looked at in the face. The peasants struggle for land, for *tebhaga*—will you call that immoral because they are doing it? When there was no law, and no law was followed, the peasants started fighting for land. Then Government followed very slowly and unwillingly. And in most cases, as I have repeatedly mentioned in this House, they have not implemented it in any district. That is what has happened, that is what is happening, and that is bound to happen all over the world. When there is something wrong—injustice and immorality—on the other side, they will fight against immoral law, lawless law, dark law. They are doing the right thing, and those—either refugees, peasants or workers—who are fighting against black Bill, are doing the right thing in fighting against a law of the land which is based on immoral law, lawless law.

Mr. Badrudduja talked about minority. I had many private discussions with him, and I shall tell you—all of you, members—who is a minority. The Minister-in-charge is a minority, the landlord is a minority along with Maharajadhiraj Bahadur, along with Nawab Musharruff Hossain, along with S. J. Bimal Chandra Sinha and others. They are the minority, and not Mr. Badrudduja and others who do not possess any zemindary or any workshop. If they look at things properly, they will realise that they are the majority. If they throw in their lot with the exploited workers, peasants and refugees, they will find that they form 98 per cent. of the population, and 2 per cent. will be represented by Tatas, Birlas, Musharruff Hossain and others. It is a question of looking at the problem from a proper angle. If they look at the problem from the class angle as I said the other day, they will feel that they are not a minority but they are the majority. Today the minority is oppressing the majority. Therefore, I say that it is immoral. If the majority oppresses the minority there is something to be said about it. But today a handful of capitalists and a basketful of zemindars are oppressing 98 per cent. of the population of Bengal, be they Muslims, be they Hindus, be they of any religious denomination. That is the plain fact, and as long as my friends—Hindus and Muslims—will not be able to look at the problem of poverty or want or starvation or want of cloth or half-pant problem (laughter) and all the rest of it from a proper angle, as long as they are unable to look at this problem from a class angle, there will be no solution. They will only be beating about the bush, instead of going to the root of the problem. I request my friends who are very much oppressed and feeling frustrated to bear this in mind. Some of them—and I am one of them—are having a feeling of frustration. They have expressed it here; they have expressed it outside. When there was communal riot and afterwards when many of the Muslims found themselves compelled to go either to Pakistan or to other parts of India or Bengal, since that time along with other Muslim leaders, we have been trying to get justice for them. But that does not mean that when justice is sought to be done—unwillingly, under pressure may be—the Chief Minister will say out of the greatness of his heart: "I shall see to it. I do not know; the Minister-in-charge of this Bill has done all that". But I shall say

this. This has been possible because irrespective of East Bengal and West Bengal, this, that and other things, the refugees combined; and they say clearly that if there are any black sheep, any *mala fide* refugees, they ought to be ousted. In Jadabpur, Dum Dum, Tollygunge, in any meeting that they have attended, the refugees have themselves said—and it is being loosely said—that the people ought to know that there are refugees who pose as refugees but who are not refugees. That is true, but black sheep are to be found everywhere. Even in the Congress organisation, black sheep have been found, for which Gandhiji had to fast not on one or two occasions but on several occasions. But there are *bona fide* refugees who are prepared to help anybody to evict them or to get them punished. There is no difficulty about that. I have an amendment before this House, and when I spoke about the amendment my friend Mr. Badrudduja was not here perhaps. I moved an amendment to the effect that let there be a limit. Anybody having two *bighas* of land in the urban area is to get back his land. I say two *bighas* in the urban area, because most of the people are in urban area. I shall move an amendment, if my friends would agree, that a man may have 20 *bighas* of land in the rural area. Instead of two *bighas* if they want to make it three *bighas*, I have no objection. But I want to draw a line. If I am permitted to occupy the land of Harendra Nath Chaudhuri why should not I be permitted to occupy the land of Nawab Musharruff Hossain? Why should Musharruff Hossain be given protection simply because he is a Muslim? I do not see any reason. It has been conceded by every speaker—Janab Khuda Bukhsh more especially—that most of the people are poor. I do not know; I have no statistics. I only know that the refugees occupied Government land—land evacuated by the American soldiers when the migration started. It extended very fast, and in many places the refugees have gone to the houses of poor Hindus, and poor Muslims and occupied them, and they should be protected—not because they are Muslims but because they are poor. I want to draw a line. If anybody has 2 or 3 *bighas* of land in urban area and 20 or 25 *bighas* in the rural area, his land will not be taken; and if anybody has occupied it, he should be evicted, and alternative land should be given to them. On the last occasion, when we were discussing the Evacuees Property Bill I said along with some others that even in those cases nobody should be evicted immediately by force. That will create more complication, because it may affect the Muslims. The fury that will be created will recoil as a boomerang on the Muslim community. There may be economic boycott, there may be difficulty in getting jobs; they may be ousted. The problem of real rehabilitation is still there and I doubt not will get more complicated if they are forced to vacate. So, let us draw a line. If a line is drawn up to two *bighas*, and if a man has got 20 *bighas*, then he will have to part with land in excess of two *bighas*. Of course, there is a clause which may hit this. Janab Badrudduja did not even see it, but subsequently he was corrected and he has understood his mistake. If a man depends entirely on it for his shelter or livelihood, he is not to be evicted. I concede to him that that is not good enough. That should be clarified more. A man may not entirely depend on that if he has some subsidiary occupation, but that should not be the only criterion.

The criterion can be some such economical limit, say, 2 or 3 *bighas* in an urban area and 20 or 25 *bighas* in a rural area to which no one can have any reasonable objection. If it is more than this limit, if it is 300 *bighas* the excess over the economical unit may be taken over by paying proper compensation. Here also I have something to say. The prices have increased very much since 1946 and according to the

definition of a displaced person those persons who became displaced since the 1946 Noakhali communal disturbances have been included. The prices of land as they prevailed in 1939 could have been taken but there must be some indication in the Bill as to what is going to be the price of the lands to be taken over to rehabilitate the refugees. Unless it is mentioned in the Bill I am afraid the competent authority or the authority who will be appointed in this regard will fix the price at the 1951 level or 1952 level or even 1953 level because this Act will be in force for three years. Land values have gone up and are going up since 1939. A *bigha* of land which could be had at Rs. 50 in 1939 is now Rs. 2,000 in an urban area. As such two *bighas* of land in an urban area is sufficient for a man to maintain himself, his family and children and to lead a comfortable standard of living. Therefore I have suggested the limit as two *bighas* in an urban area. At the same time the price also must be fixed so that the competent authority or the appellate tribunal may not fix the price at a high level. Most of the well-to-do refugees in their eagerness to settle themselves in or near Calcutta may agree to take the land at the fancy prices prevailing now but after one or two years on account of their inability to pay further instalments they may be forced to quit the land. Today they may be ready to pay any price by begging, borrowing or stealing and they may pay one or two instalments and ultimately they will suffer when land speculation will start again. Therefore it is necessary that there should be a ceiling price for the land and that ceiling price will be quite fair and just if we took the 1946 level. If the Government would take the 1939 level I would be only too happy but I do not feel there is much hope of their agreeing to that. But surely the 1946 level is a very reasonable level because the price of land started increasing after the Noakhali communal riot as a result of which the Hindus wherever they were in a minority started leaving their places with a view to settle themselves elsewhere and in their need for land they had to pay whatever the price that was demanded as this communal riot gave a fillip to the land speculators to increase the value of land. Therefore that point has to be considered also.

I would now like to say only a few words about the Madhyamgram colony because my friend Syed Badrudduja read a long letter condemning those who organized the colonies and naturally I have to take up the cudgels on behalf of those who have helped in this unauthorised occupation but on behalf of the refugees thus preventing the immoral gain in which the land speculators were indulging taking advantage of the pitiable position of the Hindu refugees. To punish those who violated the sanctity of private property and all the rest of it Sri J. C. Gupta brought an amendment which was accepted by the House. I say they should be rewarded in that they have done a very good social service. If anyone has cheated somebody they could well come under the ordinary law and prosecuted for it but a special provision here was not necessary and to my friend Syed Badrudduja, I shall say the same thing that I said to Sri J. C. Gupta. Now those who organized such colonies should be congratulated. I had the good luck to go to the colony and see the beautiful way in which it was being organized. The Governor of this Province had also occasion to go there. The Minister from the Centre had occasion to go there and I believe many of the Ministers of this Province have had also occasion to go there. When the refugees were coming in hundreds and thousands and tens of thousands a Rehabilitation Committee was formed of which Dr. Ghosh is the president and they gradually started settling the refugees in colonies like that. They have really done a good job and a primary school, a high school,

a girls' school, a free dispensary, a free reading room and a social centre have all been established. They have done a good job at a place which was previously uninhabited not waste land exactly but almost waste and they have made it habitable. Of course, I concede that if some of the lands in that colony belonged to the Muslims who out of fear left that place at that time but have come back since and are waiting to be rehabilitated in their own lands to such Muslims small plots of land, say, at the rate of two *bighas* for each such Muslim should be vacated and given to them at same time finding alternative accommodation for the refugees who are in possession of such lands now. I do not know, Sir, who are the signatories to this letter read by Janab Syed Badrudduja regarding Madhyamgram colony, though I had been to this place 3 or 4 times and held meetings there. Of course among the refugees there may be some disgruntled elements who might sign this letter. However, I am prepared to go there with Janab Syed Badrudduja and see whether the refugees corroborate this letter or the statement I am making here with a full sense of responsibility. I concede that if lands belonging to the poor Muslims have been taken and if those Muslims want to be rehabilitated in their own lands, those lands should be handed back to them but I strongly repudiate the suggestion that this disturbance is the creation of unscrupulous exploiters of refugees. I also repudiate the suggestion made by S. J. C. Gupta that some people are making political capital out of this refugee problem, of course there may be some, as everybody is not an angel. It would be an insult to the House if I say that everyone is not honest here but you know, Sir, what I mean to say and you also know, Sir, that outside persons are being convicted and are being proceeded against. I hold no brief for them but to say that they are all unscrupulous exploiters of refugees is absolutely wrong and, Sir, what is more, a twist has been given to this refugee problem. Now, Sir, Dr. Banerji, Dr. Ghosh, every one is doing his utmost for this refugee problem and they go to the refugee colonies often and the refugees also go to them, for they do not know what to do in these circumstances and they sometimes come to me also. They go to Dr. Roy also. They have gone almost mad having been displaced from their homes and they go to any and every person in the hope of getting their problem solved. We have not engineered anything. We are simply doing our duty, trying to do whatever can be done as a socialist worker. On a previous occasion when the Muslim minority was in difficulty—I do not want to call them minority: many members of our party went to help them. At that time the Krishak-Praja-Majdoor Party was not formed. Dr. Ghosh, S. J. Charu Chandra Bhandari and many others helped them. S. J. Bhandari even risked his life in going to help the minority and he had a miraculous escape. Whenever there was any suffering we tried to help them. In this present refugee problem we are doing out utmost but not to make any political capital out of this refugee problem. People were suffering and they approached us and we could not say "no" and we helped as much as possible. But we could not help them as we should and for that we must apologise to them. We are so very busy in our labour organisations that whatever was incumbent upon us to do we could not do. Sir, I am glad that it has been said that because of pressure Government has yielded. But, Sir, credit for that is due to Dr. Roy. But for his sympathetic handling the situation would have been much more complicated. Sir, these people are suffering and even if they are unreasonable at times, we must understand their feelings of frustration, as has been evident in the speeches of Janab Badrudduja and Janab Khuda Buksh. I could understand their feelings. When the refugees are suffering they cannot always

go by logic and limitation of law and order and if they violate the sanctity of rights of persons to property we should not accuse them and we must not think that Government was yielding to pressure. That should have come last from Janab Syed Badrudduja. I am sorry for him but I think he has overstepped his points. I appeal to him in a cooler and calmer atmosphere to think of that problem and not look at the question as a minority. The real point is that the majority is being oppressed today and we should see that we do justice to that majority consisting of Hindu refugees and Muslim refugees, the Hindu workers and the Muslims workers, the Hindu peasants and the Muslim peasants.

In conclusion, Sir, I would say that Janab Rafique has said many things with which I am not in agreement but with regard to his appeal I am in complete agreement with him. He has referred to refugee organisers and agitators and he has finally appealed to Government. I associate with his appeal to the Chief Minister that the minorities should also be looked after. But if agitation is necessary in order to see that the sanctity of private property is not to be violated, we shall be prepared to do so along with Janab Badrudduja and Janab Rafique. They may cry halt but we shall not halt and we promise not to halt as long as there is injustice anywhere. First of all, we shall appeal to the Government but if that fails we shall organise and agitate and if we do not succeed in that we shall take up the last weapon of breaking the law and attacking the sanctity of property because as socialists we cannot stop as long as property belongs to a few. We shall try to see that our socialist policy is to take from the rich by constitutional means. You may call it capital levy or super-tax, as you please. Then if that is not done we are prepared to do that by direct method. Government can take it as a capital levy or by freezing the bank balance, and we shall be happy to see that done. But if that is not done, if the refugees suffer, if unemployed people suffer as they are, suffering today, then the sanctity of property and the sanctity of law has no binding force on us.

**8J. CHARU CHANDRA BHANDARI:** মাননীয় শ্রীকার মহাশয়, আমি একথা বলছি যে এই যে বিল, এই বিলের যে clause ও সেটা হচ্ছে operative clause বা operative section এবং clause 4 হচ্ছে protective section অর্থাৎ clause 3তে যে কোন ব্যক্তি unauthorised occupationএ থাকবে, তাকে উচ্ছেদ করতে হবে। clause 4 কোন কোন অবস্থায়, কাউকে কাউকে protection দেওয়া হয়েছে। সেটা পাবে কে—যারা displaced persons or bona fide refugees, আমার যে amendment সেটা হচ্ছে clause 4 যে protection দেওয়া হয়েছে, সে protection পাবে না যদি the owner of the land is himself a displaced person. এখানে displaced Muslims, অর্থাৎ কোন protection দেওয়া উচিত নয় at the Cost of another displaced person. কিন্তু আমার amendment যা দিয়েছি সেটার যৌক্তিকতা কি এটা মাত্র sentiment নয়। এর যৌক্তিকতা সেটা clause 4এর যে বিধান, provision originalএ ছিল, এবং Governmentএর এই amendment করায় যা বাড়িয়েছে সেটা বিশ্লেষণ করে দেখাব। Clause 4 যে provision হয়েছে তাতে কি হবে? যদি কোন displaced person বা bona fide refugee কোন unauthorised occupationএ থাকে তবে খতকণ না তাকে কোন জমি এবং তার যদি জমির উপর বাড়ী থাকে, অন্য জায়গায় তাকে খতকণ না দেওয়া যাবে ততক্ষণ eviction করা চলবে না। ততদিন পর্যন্ত competent authority সেটা সম্পর্কে যে compensation ঠিক করে দেবেন সেটা দিতে থাকবে। আর একটা provision আছে এটা alternative provision. Government নিজের ইচ্ছায় বা যার জমি তার দরখাস্ত মতে যে কোন জমি—যে জমি, কোন bona fide refugeeের দখলে আছে, সে জমি acquire করে নিতে পারবেন এই হচ্ছে কথা। এখন এই যে provision এটা কার উপর apply করবে। একটা কথা হয়ত বলা হয়, আমার যে amendment তাতে হিন্দু মুসলমান সম্পর্কে discrimination করবে। এটা শ্রবণেই বলে রাখছি যে এই

ধাৰণা তুল। এই provisions will apply alike to the Hindu, Muslims, Buddhists, to every section of the people. সে বিষয়ে কোন সন্দেহ নাই। এই সম্পর্কে কেউ যেন কোন সন্দেহ না করেন। আমি বলছি যদি কেউ বলেন discrimination আমি আমার amendment এ করেছি এবং কেউ কেউ suggestion দিয়েছেন, এটা *ultra vires*—এটা সম্পূর্ণ ভুল ধাৰণা। যারা এ বিল এনেছেন, discrimination তারা করেছেন, আমি করিনি। কারণ এ বিলের প্রয়োগ হচ্ছে হিন্দু মুসলমান উভয়ের জন্য। এই যে discrimination করা যাচ্ছে সেটা in favour of particular persons affected by particular circumstances.

আমার যে amendment সেটা হচ্ছে not in favour of any class, not in favour of any community. এখন কথা হচ্ছে এটা সরকার এটার প্রয়োজন আছে কিনা? এটা প্রয়োজন আমি বলছি এজন্য displaced persons বা Muslim যদি owner হয়, তবে সেখানে এটা প্রয়োগ করা উচিত নয়।

Clause 4কে বিস্তারিত করে দেখাব। এখানে বলা হয়েছে “displaced Muslim or any other displaced person, etc.” এখনকার section 4 আর original section 4 নয়। হুশীলবাবু amendment দিয়েছেন এবং তার উপর আমার শ্যামাপদবাবু amendmentএর উপর amendment দিয়েছেন। আমি ধরে নিতে পারি শ্যামাপদবাবুর amendment so far as sub-clause (f) is concerned এতে Governmentএর বক্তব্য হচ্ছে—

“Notwithstanding anything contained in section 3, no order under sub-section (3) of that section shall be executed, if the person in respect of whom the order has been made is a displaced person who on the 31st day of December, 1950, was in unauthorised occupation of any land, until the State Government provides for him in the prescribed manner—

(a) other land which in the opinion of the Competent Authority is situated in an area from where the displaced person would be able to carry on conveniently such occupation as he may have been engaged in for earning his livelihood at the time when the Competent Authority makes the order,

(b) and also with a house on such other land, suitable for him in the opinion of the Competent Authority, if immediately before the Competent Authority makes the order he had a house on the land,

and pending the providing of such other land, and house (if any), the displaced person shall be permitted to use and occupy the land and house, if any, of which he was in unauthorised occupation on payment of such consideration periodically or otherwise to the owner as the Competent Authority may by order deem fit to assess.”

এখানে Muslim কথাটা ব্যবহার করছি বলে কিছু মনে করবেন না। এই ধরন, কোন displaced Muslimএর হাওয়া বান লেনের একটা বাড়ী দখল দিতে যেহে Police Officerএর দুই মাসের জেল হয়ে যায়। তাহলে এখন সেই বাড়ীর কি হবে? ধরে নিই সেই বাড়ীতে একজন bona fide refugee আছে। এই refugeeকে যতক্ষণ পর্যন্ত না Government অন্য কোন স্থানে বাড়ী বা ঘর দেবে এবং সেখানে থেকে সে conveniently তার ব্যবসা-বাণিজ্য বা অন্যান্য বৃত্তি চিকিত্সা চালাতে পারবে ততদিন এ displaced Muslim এ বাড়ী পাবে না। হুশীলবাবু যে amendment দিয়েছেন আপনারা তা ভাল করে mark করবেন। তাতে বলা হয়েছে proviso—sub-clause (f) এতে যে provision দিয়েছেন “provided that the displaced person may be ordered by the competent authority (or by the tribunal on appeal) to vacate the land if the State Government provides, on such terms and conditions as it thinks fit.” এই কথাগুলি বলা হয়েছে। Provide যে কি করে করবেন তা বুঝতে পারছি না। এই provisionএ ভবিষ্যৎ সে ভবিষ্যৎ কি করে করবে পাচ্ছে

বে displaced person তাকে অন্য জায়গায় জমি দেবেন সেটা কি এন্নি'দেবেন, না টাকা নিয়ে দেবেন, না অন্য জায়গা থেকে টাকা ভুলে loan হিসাবে তাকে দেবেন তার কোন বিধানই এতে নাই। হয়ত শেষকালে তাকে আদালতে চুটতে হবে। এই যে provision করা হয়েছে এতে কোন statutory condition করা নাই। Prescribe যে কি করে করবেন আমি জানি না। When it will provide, what is the time-limit, it may be 2 years, it may be 3 years, it may be 4 years. Government একটা move করবেন বলেছেন, কি করে amendment আনবেন?

**The Hon'ble Rai HARENDRA NATH CHAUDHURI :** That will be moved.

**Sj. CHARU CHANDRA BHANDARI :** Not moved as yet.

**The Hon'ble Rai HARENDRA NATH CHAUDHURI :** It will come in proper time.

**Sj. CHARU CHANDRA BHANDARI :** কিন্তু এই আইনের বেয়াস ৩১০ বৎসর থাকবে সেটা কেন উল্লেখ করা হয়নি। আমি বিশ্লেষণ করে দেখাচ্ছি—There is no statutory obligation on the part of the Government, It will depend upon the sweet will of the administration. আমি কারও নাম করে বলছি না; আমি শুধু reason দিচ্ছি দেখিয়ে দেব। টাকা বা land যদি provide করতে না পারা যায় তাহলে সেখানে ব্যাপার কি দাঁড়াবে! যেমন হায়দ্রাবাদ লেনের displaced Muslim-এর বাড়ী—তার কি হবে? স্ততরাং সব দিক দিয়ে ভাল করে বিবেচনা করে দেখা উচিত। বদরুদ্দোজা সাহেব তাঁর বক্তৃতার মধ্যে অনেক emotion এনেছেন, এতে আরও bitterness সৃষ্টি করবে। এটা যুক্তি দিয়ে দেখান উচিত ততদিন সে কি করবে। হায়দ্রাবাদ লেনের displaced Muslim তার বাড়ী ফেরৎ না পেলে সে কোথায় গিয়ে থাকবে। Government-এর উচিত কলকাতার মধ্যে reasonable rent-এ যাতে বাড়ি পাওয়া যায় তার জন্য একটা provision clause 4-এ করা উচিত। The State Government that is, independent of sub-clause (1), যদি analysis করে দেখেন তাহলে দেখবেন that is quite independent of sub-clause (1), কি কারণে আছে তার কোন উল্লেখ নাই। "The State Government on the application of the owner of any land or of its own motions, may, if it thinks fit so to do, acquire any land or any part thereof for a public purpose. Such acquisition shall be made under the provisions of the Land Acquisition Act, 1894" বলা হয়েছে। আমি খবে নিচিৎ এইভাবে তারা জমি acquire করবেন। এটা একটা dangerous provision (A VOICE Provision বলা) Provision বলা, তাতেই আসছি। সমস্ত কিছুই বলব, অঙ্কুরে বাধব না। Provisionে বলা হচ্ছে provided that no land shall be acquired in pursuance of this section except with the consent of the owner thereof if the owner is entirely dependent for shelter or livelihood on such land. এটা আমি পূর্বে বোঝাব। সাধারণভাবে আমি বিচার করছি এই যে রাখা হয়েছে for public purpose এবং এটা under the Land Acquisition Act for rehabilitation of a displaced person এখানে include করা হয়েছে, কিন্তু এটা এত wide করে রেখেছেন কেন? এটা Explanation-এর মধ্যে আছে যে, "In construing this Act and the Land Acquisition Act, 1894, the expression 'Public purpose' shall be deemed to include (mark the word include) the rehabilitation of displaced persons. "অর্থাৎ এখানে আপনি জমি acquire করতে পারেন" rehabilitation of displaced persons for any other public purpose as defined in the Land Acquisition Act." এখানে বলা হয়েছে you are authorised to acquire the land for any public purpose as defined in the Land Acquisition Act, including, of course, the rehabilitation of displaced persons". অতএব Government office-এর ইচ্ছা থাকলেই যে কোন লোকের উপর রাগ থাকলেই তার জমি acquire করে নিতে পারবেন। সেটা statutoryভাবে acquire করবেন for the rehabilitation of displaced person. আপনার হাতে আর রয়েছে acquire for any purpose, of course including rehabilitation of the refugees

আমি ধরে নিচ্ছি। আমি এও ধরে নিলাম যে, administration খুব ভালভাবে এবং সুবুদ্ধিতে চলবে, কিন্তু acquire only for the purpose of rehabilitating displaced persons. তা যদি হয় তাহলে আমার জমি acquire করতে পারেন। কিন্তু আমার এইটুকু জমির উপরই নির্ভর করতে হয়;—তখন কি অবস্থা হবে? ধরুন I am a displaced Muslim, আমার আবও পাঁচখানা বাড়ী আছে এবং ভাড়া দেওয়া আছে; আমার এই সকল বাড়ীর উপরই নির্ভর করতে হয়। কিন্তু আমি এই সব বাড়ী এখন কি করে খালাস করব। তারপরে আমি নদীয়ার আরেকটা কথা বলছি।

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** হায়াৎ খাঁ লেনের বাড়ী ছাড়লেন কেন? এটা ভাল করে আগে বুঝিয়ে দি।

**Sj. CHARU CHANDRA BHANDARI:** সে কথা আমি পরে বলছি। সব বাড়ীই আমার ভাড়া দেওয়া আছে, এখন আমি কোন বাড়ীতে থাকব? আমার ধরুন I am a displaced Muslim in Nadia district—আমাব ২০১২৫ বিঘা জমি আছে, আমার সেই জমি অন্য displaced person এসে দখল করেছে। আমার জী ও একটামাত্র ছেলে আছে। সুতরাং আমাদের এই ৩ জনের জন্য where is the protection সে কথা আপনারা একটু ভাল করে চিন্তা কবে দেখেন। এখন আমি কত বিঘা জমি পাব তার কোন আইন নাই। এইগুলি আমার ব্যক্তিগত মত যা Governmentকে জানাচ্ছি। Governmentএর এই রকম করা উচিত নয় যে, Government will be shifting its responsibility to the citizens of this State. আমি যে pointএ বলছি সে পয়েন্ট এতে নাই। Government এটা এমনভাবে করবেন যাতে Government will be shifting its responsibility to the citizens of this State এটা কি ঠিক? বরং capital levy করুন, বাড়ী আছে, কিন্তু at the cost of some other করাটা অন্যায়। যদি করেনও তাতে কোন লাভ হবে না। বিশেষ করে এটা কিছুতেই উচিত নয় in the case of displaced Muslims Discrimination অনেক ভায়ণায়ই দেখছি। In the case of those persons who are themselves displaced persons তাদের সম্বন্ধে একটা বিশেষ ব্যবস্থা থাকা উচিত। এর পূর্বে আইন হয়েছে Evacuee Property Act, সেখানে যদি কোন displaced Muslimএর ভমিতে কোন displaced person from East Bengal বসে থাকে তবে তার কোন protection নাই, সেখান থেকে তাকে চলে যেতে হবে। (The Hon'ble HARENDRA NATH CHAUDHURI: কি বলেন?) Clause 5এর sub-clause (2)তে “upon an application aforesaid being made the Collector shall—

(a) In cases coming under sub-clause (a) or (b) . . . সেখানে Collector জমি নিয়ে নিয়েছেন এবং in cases coming under clause (b) or (c) of sub-section (1), also cause the possession of such property to be delivered to the evacuee and may use or cause to be used force for such purposes if necessary এর কোন limiting clause নাই। যদি বলেন আছে তবে দেখিয়ে দিন কোথায় আছে। তখন আমি এই প্রশ্ন তুলেছিলাম যে provision হচ্ছে তার যারা one part of the displaced persons of West Bengal এর অন্যই হচ্ছে। কিন্তু এটা তাদের জন্য হচ্ছে—যে সমস্ত displaced Muslim যারা পাকিস্তানে চলে গিয়েছিল তাদেরই সম্পর্কে। কিন্তু majority of the displaced Muslims যারা পাকিস্তানে যাবনি, যারা বরাবর West Bengalএর কোন ভায়ণায় ছিল, কিম্বা বিহার বা U. P. চলে গিয়েছিল তাদের সম্বন্ধে কি বিধান হবে? তখন তাদেরও assurance দেওয়া হয়েছিল। এখন যে আইনটা হচ্ছে এটা India এবং Pakistanএর মধ্যে যে agreement হয়েছে তাতে এটা নেওয়া যায় না; তার জন্য আলাদা বিধান হচ্ছে। আমি জিজ্ঞাসা করি এই আলাদা বিধান কাদের? এই discrimination যদি কেউ করে থাকেন তবে আপনারাই করেছেন। Why this discrimination? এক class of displaced Muslim যারা পাকিস্তানে চলে গিয়েছিল তাদের ভমিতে refugeesই দোক আর যে কেহই দোক তাদের eviction করতেই হবে by force if necessary. কিন্তু in the case of another displaced Muslim—জায়া more loyal; জায়া পাকিস্তানে চলে যাবনি। তাদের সম্বন্ধে কি? সেদিন বুধা মহী মহাপর বলেছিলেন আমার কথা শোনেন নাই—সেদিন বুধা মহী মহাপর বলেছিলেন যে এই টাকা এদের rehabilitationএর জন্য অর্থাৎ East Bengal থেকে যারা এসেছে তাদের জন্য Central Government দেবে, এখানকার টাকা আবার দেবে। প্রশ্ন হচ্ছে to add a proviso only to clause (4) to the effect that



the foregoing proviso will not apply in the cases where 'the owner of such land is himself a displaced person, যে meansএ হোক এই হচ্ছে কথা। অতএব আমাদের যে amendment এই amendment সহ করা যুক্তিযুক্ত। এর মধ্যে হিন্দু মুসলমান, East Bengal বা West Bengal এই শৃণু আনা উচিত নয়। এটা যুক্তির কথা, এটা বিচারের কথা, it is a question of justice মাত্র। আমি বলি clause (4)কে আরও lenient করে দি। যদি গভর্নমেন্ট চান at the cost of the people নেবেন তাহলে আমি রাজী আছি, কিন্তু আমি বলব not at the cost of displaced person. আমার amendmentএর সোজাহুজি অর্থ—এই জিনিষ, এবং আপনারা এটা করুন এবং land acquisition সম্বন্ধে এই সাংঘাতিক কথাটা রাখবেন না, কারণ Governmentএর হাতে এই ব্লক power থাকা উচিত নয়। আমি সাবধান বাণী উচ্চারণ করছি আপনারা হয়তো সংখ্যার জোরে, ভোটার জোরে পাশ করিয়ে নিতে পারবেন; কিন্তু আমি বলছি যারা পাকিস্তানে চলে যাবনি, Indian Union এর মধ্যেই আছে, অন্যের ঘরবাড়ীতে বাস করেছে তারা অপেক্ষা করেছে এই ভেবে যে, Government তাদের জন্য চেষ্টা করছে এবং সব শ্রমণে—একটু গোড়ার দিকে পুলিশ গেয়েছিল যারা এদের বাড়ী জবরদখল করে বসে আছে তাদের তাড়িয়ে এদের বাস করার জন্য। কিন্তু Government সেটা করতে পারেননি আইনের অস্থিধায়। কিন্তু এখন সেখান থেকে evict করবেন তাদের উপায় কি? কোন displaced মুসলমানকে ঘর থেকে evict করে দিলে তাদের উপায় কি হবে? কোন statutory provision না থাকলেও immediately তাদের জন্য ঘরবাড়ী করে দেওয়া—Governmentএর administration এর policy হবে এই; এটা আপনাদের কর্তব্য। তাকে নিয়ে যাবেন, নিয়ে কোথায় রাখবেন সেটা দেখা আপনাদের কর্তব্য। এটাই হচ্ছে just এবং এই হচ্ছে justice কিন্তু আপনারা আপনাদের কর্তব্য পালন করছেন না, কারণ কোন statutory provision রাখলে তাদের কোনদিন সরতে পারবেন না। তবুও আমার অনুরোধ এই amendment গ্রহণ করা হোক। সকলেই যাতে বুদী হন তাই করুন। আমাদের মুসলমান ভাইদের পক্ষ থেকেও বক্তৃতা করা হয়েছে কতকগুলি clauseকে eliminate করে দেওয়া হোক, এবং কতকগুলি insert করা হোক এবং তাদের rehabilitationএর জন্য যে ঝামেলা হবে সেটা হিন্দু-মুসলমান উভয়েই বহন করবে। এবং in the case of displaced persons যেমন শ্রীকার মহোদয় অনুমতি দিয়েছেন—in the floor of the Assembly নতুন কোন suitable amendment দিতে পারেন।

Dr. Ahmod সেদিন বক্তৃতা করেন আমার বক্তৃতার পরে—তার বক্তৃতা আমি শুনেছি পারিনি। তিনি যা বলেছেন—জানি না সেটা সত্য কিনা—তিনি বলেছেন কয়েকজন member মনে করেন তারা মুসলমানের স্বার্থের ধাক্কা ও বাহক। কিন্তু তা নয়। এবং এই বলে যা করা হচ্ছে তা ভালই করা হয়েছে। জানিনা তিনি আক্রমণটা কাকে করেছেন। আমি জিজ্ঞাসা করি এই displaced Muslimদের জন্য তাদের পক্ষ থেকে কি করা হয়েছে। আমি তাঁর কাছ থেকে আশা করি নাই এরকম কথা। আমি যেটা reasonable বোধ করেছি এবং আমার conscienceএ যেটা লাগছে সেটাই বলছি।

**8J. HARIPADA CHATTERJEE:** সভাপাল মহাশয়, Clause 3 ও 4 সম্বন্ধে চাক্ষু বা বলবার বলেছেন, আমার কাজ সংক্ষেপ হয়েছে। আমি সেদিকে যাব না। আমি বলতে চাই যে, আমি ভেবে পাচ্ছি না যে আমাদের সরকার কেন এই যুক্তিটা বুঝছেন না। বাস্তবতার কল্যাণ কামনা সভাই যদি উদ্দেশ্য হয় তাহলে আমাদের দেশে যারা বাস্তবতা হয়েছ তাদের কথা তাঁরা ভাবেন না কেন। বাস্তবতার কল্যাণের জন্য তাঁরা এই Eviction Bill আনেন নাই; কয়েকটি স্বার্থরক্ষার জন্যই এই Eviction Bill এনেছেন। বড় বড় লোকের যাদের জায়গা জমি আছে (pointing to the Government Benches—ওদিকে বঁাধা বলেছেন তাদের মধ্যে দু'চার জন) তাঁদের একমাত্র লক্ষ্য হচ্ছে তাদের উচ্ছেদ করে কয়েকটি স্বার্থ-রক্ষা করা। সেখানে যখন বাস্তবতার সংঘর্ষ হয়ে রুখে দাঁড়ান তখন তাদের পক্ষ ঠেকান এবং তাঁরা পেছিয়ে এসেন। এসে নরম স্থান এ দেশের সংখ্যালঘু বাস্তবতার পেছনে লাগলেন। বাস্তবতার আমাদের দেশেরই নাগরিক, কিন্তু সেদিকে তাঁদের নজর পেল না। বাস্তবতার হিন্দু হতে পারে, মুসলমান হতে পারে; সেদিকে তাঁদের লক্ষ্য নাই। সভাপাল মহাশয়, আমি ভেবে পাচ্ছি না ক্লায়ার জেলা নলীয়ার দুই লক্ষ সংখ্যালঘু বাস্তবতা; তাদের মধ্যে এখন অনেক আছে যারা বহু নির্বর্তন সহ্য করেও তাদের বসতভূমি ভাগ করেনি, বিহার বা U.P. কোথাও যাবনি, নলীয়ার আছে। আমি তাদের কথা নিয়ে লড়াই করেছি। আমি প্রধান স্বার্থীরা কাছে এসেছি, তাঁর কাছে উপস্থিত হয়ে নানাভাবে আবেদন করেছি, বুর্ষে বলেছি, এবং তাঁর অন্যান্য উপরিওয়ালার কাছেও

গিরেছি। (তিনি ঠিক এই সময় উঠে গিয়েছেন। এই কথা শুনে তিনি যে ভুল করে বলেছেন সেজন্য তাঁর মনে খটকা লাগতে পারে। সেজন্য আমার কথা তাঁর পক্ষে না পোনাই ভাল—meaning the Hon'ble Dr. Roy.) একটা গ্রামের—ছোট চাঁদপুর বড় চাঁদপুর—সে গ্রামের যারা উৎখাত হয়েছিল নিজেদের বাড়ি থেকে তারা আজ পর্যন্ত রয়েছে অসাধারণ তাদের সহ্য শক্তি। তারা ধীন দরিদ্র লোক, কেউ জমিদার নয়—তাদের মধ্যে কারও ২।৪ বিঘা জমি আছে কিনা সন্দেহ। এই রকমভাবে উৎখাত হয়েও তারা সেখানেই আছে। তাদের হাজার চেষ্টা করেও উড়ান যায়নি। অনেক Senior Officer সেখানে গিয়েছিলেন; কিন্তু তাঁদের পরিদর্শনের ফল এখনো আমার শ্রুতাক্ষরতে পারিনি। বেচারীরা সেখানে রোদে পুড়েছে, বুলিতে ভিজেছে—অসাধারণ তাদের সহ্য শক্তি। এই অবস্থায়ও সেখানে রয়েছে। তারা তাকিয়ে ছিল—হয়তো তাদের জন্য আইন হবে, তাদের বলভিতে তারা ফিরে আসতে পারবে; মনে করেছিল তাদের জমিতে ও বাড়ীতে আবার ফিরতে পারবে। এখন তারা শুনে আশ্চর্য্য হয়ে গেছে যে, তাদের জন্য আইন এল না। Evacuee Billটা হল যারা পাকিস্থানে চলে গিয়েছিল তারা ফিরে এসে যাতে বসতে পারে তারই জন্য; কিন্তু যারা এখানেই বাসস্থান হয়ে আছে এই Eviction Bill তাদের বাড়ি ফিরে পাবার কোন ব্যবস্থা হল না।

গুদিকে জ্যোতিবাবু Constitutionএর মধ্যে সকলকে fundamental rights বলে যা দেওয়া হয়েছে তার কথা বলেছেন। এই fundamental rights থেকে বঞ্চিত করার অধিকার কারুর নাই। জাতি বর্ণনির্বিশেষে সকল নাগরিক এই rightsএর অধিকারী। অথচ সংখ্যালঘু বাস্তুহারা তাদের এই সকল অধিকার থেকে বঞ্চিত হয়েছে। Right to property তো তারা পাবেই না উপরন্তু নিজের ঘর বাড়ীতে পর্যন্ত তারা বসতে পাবে না। তাদের অধিকার, Constitutional rights এই বিলের দ্বারা ultra vires করে দেওয়া হয়েছে। সংখ্যালঘুদের বাড়ীতে স্ক্রু হতেই বাস্তুহারাদের না বসালে ভাল হত। বড় বড় ভূস্বামীরা অনেক পতিত জমি আছে, সেইসব জমিতে তাঁদের সঙ্গে একটা বংশোদ্ভূত করে বাস্তুহারাদের বসান চলতে পারত; কিন্তু তাদের মজল কামনা করবে কে?

(At this stage the House was adjourned for fifteen minutes.)

(After adjournment.)

**8j. HARIPADA CHATTERJEE:** সভাপাল মহাশয়, আমি ভুবনলার অধিবাসীর কথা বলছিলাম। যাদের নিজেদের বসতবাড়ী দখল হয়েছে এবং যারা কোথাও যাননি তারা কবে তাদের বাড়ী ফেরৎ পাবে তার কোন ঠিক নাই। আজ প্রায় একবছর হতে চল, কারণ সেখানে ঘটনা ঘটেছিল ৯ই এপ্রিল তারিখে ঠিক যে দিন Delhi Pact হয়। আজকে ১০ই এপ্রিল, আজও তাদের Evacuee Bill স্থান হল না। আজ বড় লোক গরীবলোকের প্রশ্ন নয়; এখানে যাদের বিত্ত আছে সে বড়লোক, জমিদার মুসলমান হলেও পাকিস্থান থেকে এখানে ফিরে এলে Evacuee Bill এর বলে তাদের সমস্ত বিত্ত সম্পত্তি ফিরে পাবেন। কিন্তু একটা গুজব শুন্নি উপর থেকে একটা নির্দেশ নাকি এসেছে এবং পাছে পণ্ডিত নেহরু অসন্তুষ্ট হন তার জন্য আজকে এই ধরনের আইন পাশ হচ্ছে। Evacuee Bill পাশ হল কিন্তু এদের আগল স্বরূপ প্রকাশ হল Eviction Bill তৈরীর সময়। এদেশের বাস্তুহারাদের জন্য এদের কিছুমাত্র দরদ নেই।

আজ নলীয়া জেলার ২ লক্ষ চাষীর পক্ষে কথা বলার কেউ নেই। স্মরণ্য আমিই তাদের কথা কিছু বলছি। আজকে কেউ মনে করবেন না পূর্ববঙ্গ পশ্চিমবঙ্গ সম্বন্ধে আলোচনা করে কিছু বলছি। পূর্ববঙ্গের প্রতি আমার কোন বিভ্রাণ নাই, বরঞ্চ আজকে প্রত্যেকটি পূর্ববঙ্গবাসীই স্বাধীনতার জন্য সবচেয়ে বেশী ত্যাগ স্বীকার করেছেন। আজকে এইরকম অবস্থা এসে পড়েছে যে, তাদের প্রত্যেকটি লোককে ঘরবাড়ী ছেড়ে চলে আসতে হয়েছে। আমার বন্ধু বদরুদ্দোজা সাহেবকে বলছি তিনি এই কথাটা একটু ভেবে দেখুন। তিনি ঐ ধরনের কথাগুলি বলে ভাল করেননি। তিনি বলেছেন সুরেশবাবু ও Dr. Ghosh পূর্ববঙ্গে ফিরে যান না কেন, কিন্তু তাঁরা ৩৬ বছর ধরে পশ্চিমবঙ্গে কাজ করছেন, তাঁরা পূর্ববঙ্গ পশ্চিমবঙ্গ বলে কোনদিন আলাদা করে কিছু দেখেননি। তাঁরা বহুদিন ধারণ পশ্চিমবঙ্গেরই ভোটার। Dr. Ghosh সংখ্যালঘুদের জন্য কিছু করছেন না এই কথা বলা অত্যন্ত অন্যায় হবে। আমি ভাবতে পারছি না Communist নেতা জ্যোতি বোস ও বদরুদ্দোজা সাহেব তাঁরা কি করে এই কথা বলেন। চাক্ষুণ্য যে সমস্ত amendment দিয়েছেন তার জন্য আমি তাঁর কাছে শ্রদ্ধা রাখা দত্ত করছি।

একদিন তিনি তাঁর জীবন বিপন্ন করে সংখ্যালব্ধদের জন্য কাজ করেছিলেন; আজকেও তিনি এই Clause জালি এনে তাদের জন্য সংগ্রাম করছেন। আজকে Government-এর সব আয়গায়ই লেখা থাকে “সভ্যবোধের জরতে”। সত্য—সোটা শিশু বসেও সত্য, সত্য কোন দিন চাপা থাকে না। আজকে আমি বুঝতে পারছি না—গরীব মুসলমান বাস্তহ্যারদের সুবিধার জন্যই এই বিলের নাম দেওয়া হয়েছিল Eviction Bill; কিন্তু এখন আমরা তাদের কথা আপনো ভাবছি না। Government বলেছেন এদের জন্য শীঘ্রই আরেকটা আইন করবেন। তাহলে এই বিল কেন আনা হচ্ছে? কায়েরী স্বার্থবাদীদের সুবিধার জন্য? আমি এখানে “মাইড:” থেকে চারটি লাইন পড়ে পোনালিচ্ছি, আজকে কি অবস্থা তখন।

**Mr. SPEAKER:** What is that Book?

**Sr. HARIPADA CHATTERJEE:** “মাইড:”। আমি এই বইয়ের “মাইড:” নাম দিয়েছি, কারণ স্বাধীনতার বীর যোদ্ধা শ্রীসত্যেন্দ্র নাথ সেন নাগরিকদের নিরাপত্তা রক্ষাকল্পে সাম্প্রদায়িকতার বিরুদ্ধে শেষ সংগ্রাম ঘোষণা করেছিলেন। তাঁর কণ্ঠের “মাইড:” শব্দটি এপারে ভারতে এসে প্রতিধ্বনিত হচ্ছে। আমরাও এপার থেকে তাঁর সঙ্গে কণ্ঠ মিলিয়ে বলছি “মাইড:”। দিল্লী সীমান্ত সহর। সেখানকার সংখ্যালব্ধদের বাঁচাতে গিয়ে জাতির জনক জীবন দিয়ে গিয়েছেন। নদীয়া সীমান্ত জেলা এই অজুহাতে সেখানকার সংখ্যালব্ধদের জীবন বিপন্ন করা যেতে পারে না। এখন Muslim-দের জন্য যাই ক’বন তাদের বাড়ীঘর জায়গা জমি ফিরিয়ে দেবার ব্যবস্থা করুন। কিন্তু সে সব কিছু নেই, কেবল কতকগুলি অফিসারকে লেজে খোঁচান হচ্ছে। চলুন আমার সঙ্গে নদীয়ায়, আমি দেখিয়ে দিচ্ছি আজকে সেখানে শতকরা শ্রুতোকটি লোকেরই জীবন বিপন্ন হয়ে পড়েছে। হুতরাং আজ আর পশ্চিম আর পূর্ববঙ্গের কোন কথা নয়। সাম্প্রদায়িকতার বিষয় আজকে কিভাবে ছড়াচ্ছে। সাম্প্রদায়িকতার বিষয় যেমন বোরা সাপ কামড়ালে সমস্ত শরীর আন্তে আন্তে বিষিয়ে যায় ঠিক তেমনি Communalism-এর বিষয়ও লোকের মন আন্তে আন্তে বিষিয়ে তুলছে। কলিকাতা বিশ্ববিদ্যালয়ের একজন বিশিষ্ট Doctor বলেছেন যে, সাম্প্রদায়িকতা শিক্ষা এবং culture-এর উপর নির্ভর করে না বরং শিক্ষিত লোকেরাই বেশী সাম্প্রদায়িক হয়। কাজে কাজেই মানবতার দিকে তাকিয়ে যদি সত্যকথা বলতে হয় তাহলে আমি যা বলছি তার কি জবাব দেবেন? “পবেশ হাজী ও অন্যান্য আশ্রম অনেক চৌড়াদহতে আছে; তাদের বাড়ী অনেক দখল করেছে। স্থানীয় হিন্দুবা কান্ট্রাকটি করতে লাগলেন, বমেন আইন শৃঙ্খলা বলে কোন জিনিষই আর নাই। মুসলমান চাষীদের এই দুর্গতির জন্য স্থানীয় হিন্দুদের জমি জমা অনাবাদী পড়ে আছে। তারা যা অনু, তা অনু করতে। পবেশ হাজীরা নিজের ধান লুণ্ঠিত হয়েছে; কিন্তু তাকে ৩০০ আনা দিয়ে অর্ধাৎ ২৫ মণ দরে ধান ওখানকার জটনক বিশিষ্ট ব্যক্তি যিনি বহু লুণ্ঠণ করেছেন এবং যার বাড়ীতে বহু বড় বড় রাজ কর্মচারী এবং নেতারা পোলাও মাংস খান তাবই কাছ থেকে কিনতে হয়েছে। শরৎ বেওয়া বিধবা হিন্দুর বাড়ীতে খেতে দিন গুজরাণ করে। তাব নিজেব মুখ থেকে শুনেছি তার জানা ধবে নাথিয়ে বাড়ীবা বাহিব করে তার চালা কেটে দেওয়া হয়েছে। তার কথা কতৃপক্ষেব নজরে এনেছিলাম, কিন্তু কোন ফল হয়নি” আর পড়ব না, পড়তে গেলে বলবেন এই সমস্ত কথা চাবিদিকে চড়িয়ে যাবে। কিন্তু আপনাদের কাজেব হারা এর চেয়ে লক্ষণ্য ছড়াচ্ছে। সত্যকেও যদি চেপে রাখতে চান তাহলে খুব তুল হবে। পাকিস্থানে যদি একটা কিছু হয় তাহলে এখানে সোটা লক্ষণ্য হয়ে প্রচারিত হয়। তেমনি এখানে যা ঘটে তাও পাকিস্থানে লক্ষণ্য হয়ে প্রচারিত হয়। সত্যকে চাপতে গেলে অনর্থ আরও বেশী হয়। অতএব যেখানে যে অনায়াস ঘটে তা স্বীকার করে তার প্রতিকার করার উপায় করলেই দুই রাষ্ট্রের কল্যাণ হবে।

আমরা অনেক সময় কোন কথা বলতে গেলেই মনে করি কোন্ ববরের কাগজে আমাদের কি বলবে, কোন্ কাগজে আমাদের গালাগালি দেবে; অতএব যা জানি, যা সত্য বলে মানি তা বলাব না। কিন্তু এটা ঠিক নয়। আমাদের কর্তব্য হচ্ছে—এখানে যখন এসেছি সত্য যা বুঝব তাই করব। আমাদের বুঝের ধারা নেতা তাঁরা তো বলে বিশেষ এ Bill করছেন হুতরাং তাঁরা সংখ্যালব্ধ বাস্তহ্যারদের জন্য কিছু করবেন না কেন? Communist ও Socialist পার্টীর ধারা তাঁরাও কেন চাকুবাবুর এই amendmentগুলি press করবেন না? এটা বুঝতে পারি না—একথা তাঁরা যদি আমায় বুঝিয়ে দিতে পারেন আমি বুঝতে প্রস্তুত আছি। আমরা তো অভি নগণ্য; গাজীজীর বড় লোক যদি সাম্প্রদায়িকতাবাদীর হাতে হত্যা হয়—তবে সত্য কথা বলতে গিয়ে আমাদেরও বিপদে পড়তে হতে পারে। কিন্তু এজন্য ভাবনা করলে চলবে না। গড়লে তো একটা ব্যক্তি নর, গড়লে মানুষের অন্তরে বাস করে। মানুষের অন্তর থেকেই গড়সেকে দূর করতে হবে। এই সাম্প্রদায়িকতাকে

হরি রোধ করতে না পারি তাহলে দেশের কল্যাণ তো দুবের কথা, ভারতের অস্তিত্বই থাকবে না। (The Hon'ble BHUPATI MAJUMDAR : আঃ গান্ধীজীকে আবার টেনে আনছেন কেন?) পাকিস্তান থাকবে কি থাকবে না সেটা আমাদের বিবেচ্য নয়। কিন্তু যেটা পাকিস্তানে অন্যায় বলি সেটা এখানেও কেন অন্যায় বলব না? পাকিস্তানে যদি কোন মুসলমান হিন্দুর বাড়ী ভাঙে বা দখল করে তাহলে সে যেমন অন্যায় করে, তাকে যেমন অন্যায়কারী বলি, তেমনি এখানে যদি কোন হিন্দু মুসলমানের বাড়ী ভাঙে বা জোর করে দখল করে তাহলে তাকে কিছু বলব না এটা কি বকম যুক্তি। যুক্তি একই বকম হবে, দুই রকম হতে পারে না। হিন্দু অন্যায় করলেও যে অপরাধ মুসলমান করলেও সেই অপরাধ। Justice is blind. হিন্দু বাস্তহায়া যদি হয় তাহলে তার জন্য, তার ভালর জন্যই শুধু বলব আর মুসলিম—an Indian citizen but he happens to be—সে যদি বাস্তহায়া হয়ে পড়ে তার জন্য কিছুই করব না এই যদি আইনের উদ্দেশ্য হয় তাহলে এটা আইনই নয়। আজকে আমরা কি করি না করি সেটা এখানেই শেষ নয়। সভাপাল মহাশয়, আমার Marcus Aurelius-এর কথাটা মনে পড়ছে—This is the chief thing. Be not perturbed. Every thing is according to the universal and in a little while thou wilt be nobody and nowhere—এখন কথাও তাই কেউ আমরা থাকব না হুতরাঃ perturbed হবার কিছুই নাই যা সভা তা নিভয়ে বলা উচিত। এই Eviction Billটা এই সভায় এসেছে। এটার বাস্তবিক স্বরূপ যা সে সম্বন্ধে সভা কথা বলার লোক এখানে থাকা উচিত। সভা কথা—জনসাধারণের সরকার পাকিস্তানেও নাই, এখানেও নাই। সেখানকার কথা আলোচনা করব না, আমাদের এখানকার কথাই বলব। এখানকার সরকার আজকে এই যে Eviction Billটা এনেছেন এটা পড়লে পরিষ্কার বোঝা যায় কায়েরী স্বার্থবাদীদের জন্য এ Bill আনা হয়েছে। হিন্দু বাস্তহায়াদের বাঁচাতে গিয়ে যেই শক্ত জায়গায় গিয়ে যা খেলেন অমনি এসেছেন নরম জায়গায় সংখ্যালঘু বাস্তহায়াদের উপর নেমে। ফলে আমাদের Constitution-এর যা spirit তা we are violating. আমাদের দেশে একটা Constitution নামে মাত্র থাকলেও Constitution-এর যা spirit তা এখানে exist করছে না। সেই সব মুসলমানরাও দেশের নাগরিক, they may be insignificant but still they exist, and they have been forcibly driven out of their houses, এই কথা বলেই যদি এই ধরা হয় যে, আমি পূর্ববক্তকে ভালবাসি না—যাঁরা এই রকম মনে করেন তাঁরাই বাস্তহায়াদের শত্রু, আমরা নই। বারুকগতভাবে আমি বলছি বাস্তহায়া আমাদের নিজের বাড়ীতে বসে আছে। আমি মনে করি আমাদের এই রাজ্যে যদি ৪০ হাজার মুসলমানের ঘর খালি করে বসাতে হয় তাহলে তার চেয়ে লজ্জাজনক কথা আর কিছু হতে পারে না। আমাদের কি ঘরবাড়ী ছিল না? আমাদের কি জায়গা জমি নাই? নিকুন্ত মাইতি—আমাদের "হাফপ্যান্ট" পরানোর মহী মহাশয় একদিন বলেছিলেন বাস্তহায়াদের আমাদের বাসের ঘরের ও খাবারের অর্ধেক দেওয়া উচিত। মুখে কেবল নীতি উপদেশ প্রচার না করে কাজে কি এটা করা যায় না? প্রধান মহী এগিয়ে আসুন না non-party basis এ কাজে অগ্রসর হউন না সকলেই তাঁকে এ কাজে সাহায্য করবে। আমাদের এখানে জ্যোতি বহু বলেছেন—গণীৰ বাস্তহায়া মুসলমানদের কথা অবশ্য স্বতন্ত্র তাদের কথা বললে তিনি বিবেচনা করে দেখতে পারেন। তাঁকে বলতে হবে কেন? তিনি কি জানেন না বহু বাস্তহায়া মুসলমান নিরাপত্তা গণীৰ। ভাঙ্গা ভাঙা Evacuee Bill-এর বলে যখন বড়লোক মুসলমান পাকিস্তান থেকে ফিরে এলে সম্পত্তি ফিরে পাবার কথা তখন যে মুসলমান পাকিস্তানে না যেয়ে সম্পত্তিচ্যুত হয়ে ভারতীয় যুক্ত রাষ্ট্রই আছে সে বড়লোক না বলেই তার সম্পত্তি ফিরে পাবে না কেন? তবে কি পাকিস্তানে না যাওয়াটাই তার অপরাধ হয়েছে?

**Mr. SPEAKER :** Order, order. Clause 4 is being discussed for four hours and you are repeating the same arguments. Please be brief.

**Sh. HARIPADA CHATTERJEE :** আমি আর বলব না, আমার সময় শেষ হয়ে গিয়েছে আপনি আমাদের যে স্বযোগ-সুবিধা দেন নিরপেক্ষভাবে তাতে আমি মনে করি যে আমাদের এখানে ইতিহাস ভৈরী হচ্ছে। ইংরাজ চলে গিয়েছে; আমাদের মত কয়েকজন নিকরী লোকদের নিয়ে সভাপাল মহাশয় যেভাবে কাজ চালাচ্ছেন তাতে ইতিহাস ভৈরী হচ্ছে। পুনরায় আমি আবেদন করছি প্রধান মহীর নিকট। চিকিৎসা বিষয়ে তিনি নি পনের বিধান। বাঙালী ভাষ্টির এই দুঃসময়ে তিনি তাই হয়ে উঠুন, সেই জন্য তাঁর কাছেই বলছি আমাদের এটা বেনে নি। এখানে একবার হিন্দু বাস্তহায়াদের মসলমান বাস্তহায়াদের বাড়ীতে অধিকার দিয়ে

আবার তাদের displace করা যাবে না। সুতরাং এই clauseএর amendment যেভাবে আমরা দিয়েছি সেটা মেনে নিব। এটা আমি বাস্তবায়নের পরম বন্ধু হিসাবে বলছি তাদের বারা মুসলমান বাস্তবায়নের পুঁজু জোর করে থাকতে বলবে তারা তাদের কল্যাণ করবে না। একজননের চোখের জল ফেলে আরেকজননের কল্যাণ হয় না। আমি জানি বাস্তবায়নের মধ্যে ভাল লোক যারা তারাও এটা চায় না। একজন মুসলমান রবণীর কিট হতে দেখে—একজন বাস্তবায়নের কথা আমি জানি সে তার বাড়ীতে বাস করতে গিয়েছিল, কিন্তু মুসলমান রবণীটির ঐ অবস্থা হতে দেখে বলে উঠল “না, তোমার বাড়ীতে ভুঁি থাক, আমি যাই,” এই বলে সে তার ঘর থেকে নেবে এল। আমি সমস্ত জায়গায় তার কথা বলি, তার মানবতার উল্লেখ করি। যারা অন্যের ঘর দখল করে আছে তাদের বাহাদুরী নাই। অন্যের চোখের জল পড়লে তাদের ভাল হবে না। সভাপাল মহাশয় তাই আমি বলছি চাক্ষুবের amendmentটা ওঁরা গ্রহণ করুন।

**SJ. J. C. GUPTA:** Mr. Speaker, Sir, the several speeches from the Opposition benches today have very forcefully brought out how difficult and delicate is the problem which this legislation is trying to solve. Over such a matter there is no room for superlatives or hyperboles. Passion and prejudice must not be brought into play while discussing such a serious problem. We have got to give our entire attention to the adjustment of the rights of the uprooted humanity both in East Bengal as also in West Bengal.

Now, Sir, we have in this Bill sought to make necessary provision. Sir, the unkindest cut of all to the Opposition has been the charge of coercion or even the characterisation that the Government has been coerced by the Opposition. This is the least that the Opposition members expected from their colleagues. Not only has there been no coercion, but I say, Sir, that according to the best parliamentary form of legislation, it is always recognised that legislation is made in deference to the views of the Opposition. Sir, we all know that most of the labour legislations were passed at the time of Lloyd George when labour had not come into power. Therefore it is a credit to the honourable mover of this Bill as also to the Chief Minister that they have accepted the Opposition suggestion. There have been conferences, and as a result of the conferences whatever suggestion has been taken should not be characterised from the Opposition benches as coercion upon the Government; and I would tell those friends of mine who have said that there has been coercion upon the Ministry into acceptance of some of the provisions that they are not doing justice either to themselves, to their colleagues in the Opposition or to the parliamentary form of legislation. (Janab Syed Badrudduza: For telling the truth?)

Sir, it has been alleged that Government, on account of agitation, is giving protection to pseudo-refugees and unscrupulous leaders of refugees. (Janab Syed Badrudduza: I have never said that.) Some have said that. (Mr. Jasimuddin Ahmed: That was from me.) I am afraid that was due to their absence from the House on Friday when Government accepted an amendment for action against unscrupulous leaders of refugees. That act by Government itself is an absolute repudiation. The only objection was raised by my honourable friend Sj. Sibnath Banerjee against Government accepting it, but Government did not raise any objection to that.

Then, Sir, Janab Syed Badrudduza has been telling his Opposition colleagues that this uprooted humanity from East Bengal should be told to go back to their places and they should not be encouraged in any way. I am afraid that he has not understood the difficult situation. He has not understood that this uprooted humanity refuses to go back due to the two-nation theory in Pakistan. (Janab Syed Badrudduza: Crush the Muslims!) The sooner the two-nation theory is crushed, the better is it

for the administration in both Bengals, and it ill-suits the mouth of one who has at one time or other been associated with the two-nation theory to find fault with his colleagues over that matter. Janab Syed Badrudduja has said that the Muslims of West Bengal are always against displaced persons from East Bengal. Sir, there are many instances where a displaced Muslim, when he has gone and seen the difficult and dire situation of the East Bengal refugees, has said: "We can appreciate their need, because we ourselves are sufferers". I will give one instance. There was an occasion when Government decided to put back some of the refugees who were living in Park Circus in different areas in Calcutta. The police officers were there. Some of the refugees came and asked me as to what they should do. I told them: "What do you want to do"? One of them said: "We would like to get back the places, but I had been there for two days. I saw they were as unfortunate and as destitute as we are here. I do not think that with the help of the police we should drive them back again". There are instances of such good feelings. If you work among them you will find that the poor people do not raise this question. There is a touch of humanity in them. This legislation is not the last word. When this legislation is passed, our responsibility will be greater. It is the responsibility of both the communities to work the provisions of the Act in the most humane way, in a way that we will be able to render the greatest help to these destitute people, to this uprooted humanity. This should be the endeavour of all of us. We ought not to rouse passions and prejudices. We ought not, on such a measure, say that this is not doing justice. I know the resolution which has been moved by my friend Sri Charu Bhandari which has been supported on the other side. There have been reports about the difference in the Congress Assembly Party and all that. Well, the fact is that the Congress Assembly Party has been as alert if not more alert than the Opposition regarding the safeguarding of the interests of the displaced persons of West Bengal also and the Leader of the House has already made an announcement that he cannot possibly ignore their claims and that justice will be meted out to them and I am sure that the mover or the Chief Minister, as soon as he stands up to reply, will say what has been the practical difficulty in the way of not giving relief to these persons which has been pleaded so eloquently by Sri Charu Chandra Bhandari and my friend Sri Haripada Chatterjee. It is not that the Government or the Chief Minister is not alive to the necessity of giving them relief but there is some difficulty which necessitates the bringing in of a separate legislation. Therefore it is no good jeering at things. It is the good one indulging in sentimentalism. Here we have got to tackle a difficult problem approaching it in a human spirit. Whatever may be the fault of Dr. Roy, no one should say that in this matter he has shown less anxiety to do justice to everybody. He has been trying, he has been fighting hard to get money and he will, I am sure, be successful in this matter. Somebody asked why did not Dr. Suresh Chandra Banerji, Dr. Ghosh and others press upon that. I do not know why they did not but there have been others who have pressed and pressed and I hope that after hearing the reply of the honourable mover and that of the Hon'ble the Chief Minister you will all be assured that their cases will not go by default. On this side of the House there has been the most earnest consideration as how it could be provided for, whether it could be provided in this Bill, and, ultimately it was found that a separate legislation is necessary to fully safeguard their interests and that will not be delayed also but those who want to make a plank of political propaganda, those of my Muslim friends on the other side who want to

just overreach the other Muslims on this side of the House who have been also alive to the position of the displaced Muslims, should not jeer at this. Let us not over this matter create all these dissensions; let us not rouse passions and prejudices. Let us today make up our minds to see that justice will be done to the uprooted humanity wherever he was or wherever he is at the present moment and in a measure like this after all the discussions of the Opposition we have got to pass the agreed resolutions and in this we must co-operate and we must try and implement it in the interest of the refugees not in the interest of ourselves to prove who is a greater advocate of the rights of the refugees and who is not.

With these words I submit that there should not be any further prejudice and passion in this House over this matter and let us now hear the statement that the Government is prepared to make on this important question and coolly think about it (cheers from Government Benches).

**Mr. JASIMUDDIN AHMED :** তিন ধারাতে যে বিধান করা হয়েছে, তাতে যারা বেআইনীভাবে জমি দখল করেছে, সেগুলি হ'তে সরিয়ে দিতে পারে। (VOICE : Mike এ যান, সুনতে পাচ্ছি না।) — [না আমার খোলা গলাটাই ভাল—] কিন্তু ৪ ধারাতে সেই আইনে তার মধ্যে কতকগুলি লোকের জন্য protection এর ব্যবস্থা করা হয়েছে। বাস্তবিক যারা জোর করে জমি দখল ক'রে আছেন, অথচ নিয়মিত সময় মধ্যে application করেনি, displaced person বলে protection এর জন্য তাদের পক্ষে competent authority কি ঠিক করে দেবেন? এ জমি ছেড়ে দেওয়া উচিত কি না? তা সত্ত্বেও গুটিকয়েক লোককে বাস দেওয়া হয়েছে, যারা এই আইনের সুবিধা পেতে পারতো। কি জন্য এই আইনের নাম বদল করা হয়েছে? যে আইন পূর্বে ছিল, সে আইন এখন নেই।

এখন ৪ ধারা বা ৫ ধারার যে বিধান—Government হুশীলবাবুর কথা সুনবেন না গ্যামাপদবাবুর কথা সুনবেন—বুঝা যায় না। এর মধ্যে কে বেশী competent তা বুঝা যায় না। (VOICE : আপনি কোন্টার পক্ষে সোটা বলুন।) আমি কোন্টার পক্ষে চলবো জানি না। চারুবাবু কিছুটা বলেছেন, বদরুদ্দুজা সাহেবের amendmentও কিছুটা আছে, কিন্তু যা দেখতে পাচ্ছি এর সম্বন্ধে কিছু constructive suggestion দেওয়া উচিত। হুশীলবাবুর প্রস্তাবই যদি মানি, তাহলে আমার মনে হয় Land Acquisition Act এ যে provision এর ৪ ধারা সোটা ৫ ধারার সঙ্গে যোগ হ'য়ে গেছে “Provided that no land shall be acquired in pursuance of this section. Except with the consent of the owner thereof if the owner is entirely dependent for shelter on livelihood or such land”। যে সব লোকের জমি আছে, তাদের মত খানিকটা বিবেচনা কববার জন্য—যে সব গরীব লোক যাদের shelter নেই, যারা জমির উপর নির্ভর করে তাদের মতও নিতে হবে এবং মত নিয়ে জমি ছেড়ে দিতে হবে। ঠিক এই জিনিষটা এখানে হ'তো—৪ ধারার sub-section (I) তাব provision একটা হ'তো সেখানে বলা হয়েছে shall not be evicted if he pays such compensation কিন্তু এখানে যদি বলা হ'তো eviction করা হবে না—এখানে ঐরকম শ্রেণীর গরীব লোক যাদের shelter and livelihood নির্ভর ক'রে জমির উপর তাদের বাস দিলে ভাল হ'তো। Land acquisition এ পুই-ই নিরপেক্ষ ব্যবস্থার সুবিধা দেওয়া হয়েছে, তাতে জমি হ'তে বের করে দেওয়ার জন্য এবং eviction এর সময় একটু বিচার-বিবেচনা করা উচিত ছিল। Payment বিষয়ে জ্যোতিবাবু যা বলেন—আমি ততদূর যাব না। তবে Government এর acquisition এর প্রস্তাব করা যেতো কিন্তু তাতে আর একটা জিনিষ বিবেচনা করা উচিত ছিল। As regards payment payable periodically or otherwise. তাদের বেলায় সে সব গরীবদের payment যদি কয়েক বছর ধরে হয় এবং একটু একটু ক'রে হয় তা'হলে সুস্থিত হবে। এই অভিজ্ঞতা আছে যারা Calcutta Improvement Trust দেখেছেন—একজনের খাড়াপ বড়ী ভাল করবার জন্য Improvement Trust নিয়েছে কিন্তু খাড়াপ বড়ীর লোকেরা তাদের সরার পরেও অনেক compensation পায়নি—এ রকম অবস্থা হয়েছে। এই রকম compensation এর কোন মানে হয় না। যে compensation মানুষের জীবিত অবস্থায় কাজে লাগে না সে রকম compensation এর কোন মূল্য নাই। সে compensation আর বৃত্ত সংকারে বরচ এই দু'টোর মধ্যে কোন তফাৎ নেই। তার জন্য বিবেচনা

করা উচিত ছিল। আর শাশাপদবাবুর amendmentও ভাও নাই। সেখানে বলা হয়েছে in the prescribed manner. কি mannerএ হবে ভাও ঠিক করার উপায় নেই। আর স্বশীলবাবুর amendmentএ রয়েছে—এই সব লোককে evict করা হবে না। কার eviction, সে কথা কে বলবে? displaced কে নির্ধারণ করবে? কোন্ সময় হবে? একজননের জমি কতকগুলি লোক এসে জবর দখল করে নিল। সে গিয়ে নালিশ করল competent authorityর কাছে—অনুক আমার জমি জবর দখল করেছে। Enquiry করে দেখল এটা ছেড়ে দেওয়া উচিত। ছেড়ে দেওয়ার পর ৪ ধারার সুবিধা নিতে গেলে তারা ৫ জবর দখল করেছে তাদের বলতে হবে আমরা displaced persons এবং বলতে হবে আমরা East Bengal থেকে ঐ সময় মধ্যে এসেছি আমাদের এখানে কোন ঘর-দুয়ার নেই এবং আমরা ফিরে যাব না। কোন্ সময় মধ্যে এটা বলবো? এই আইনের উদ্দেশ্য হচ্ছে তাড়াতুড়ি ব্যবস্থা করা। একদল লোক ছিনুশুর হয়ে uprooted হয়ে এসেছে। তাদের তাড়িয়ে না দিয়ে সংক্ষেপে ও সহজে ব্যবস্থা করা হয়েছে। কিন্তু এটা করতে গিয়ে আরও কতকগুলি গোলমাল সেশানে করা হচ্ছে। আমার মনে হয় স্বশীলবাবু এ বিষয়ে অনুধাবন করে বলেছেন ঐটার একটা period থাকা দরকার। (VOICE : তিন ধারাতে আছে।) না তিন ধারাতে সে কথা নেই। এটা অবশ্য affidavitএ ব্যবস্থা হতে পারে কিন্তু এই রকম প্রতিশ্রুতি আমার ভাল লাগে না। এই রকম করেছি কি করিনি এটা affidavitএ আইনগত হবে বলে আমার মনে হয় না। তারপর একটা enquiry করা দরকার হবে—জায়গাগুলি ছেড়ে দেওয়া হবে কিনা, displaced persons কিনা ইত্যাদি। Governmentএর দায়িত্বে বেকয়েকজন refugee এসেছে। তাদের প্রত্যেককে জায়গা offer করেছে কি না করেছে তার record রাখায় পাওয়া যাবে? কে কে জবর দখল করেছে, কাকে কাকে Government offer দিয়েছে—সেটা(ই) বা কোথায় পাওয়া যাবে? তারপর যেভাবে provision হয়েছে তাতে জমি দিলেও হবে না, যদি সে জমির উপর ঘর থাকে তাহলে competent authority order দিবার আগের দিন পর্যন্ত (interruptions) এই ভিন্মিযা যদি সহজ না হয়, তাহলে মুখ্য মন্ত্রী সেদিন যে মেয়েছেলেটির চিঠি পড়লেন সেই চিঠিওয়ালাদের কিছু হবে না বলে আমার মনে হয়। এইগুলি তাঁরা একটু সরল করলে ভাল হয়, এবং enquiryও যে কবে হবে এবং কিভাবে হবে তার কোন উল্লেখ এখানে নাই। অন্ততঃ কোন বিধানে কিছু বলা হয়নি। সব জায়গা থেকেই লোক তাড়িয়ে দিতে হবে, এটা ঠিক নয়। সুতরাং যেখানে যতদূর সম্ভব পারা যায় গরীব লোকদের জমি ফেরৎ দেওয়ার চেষ্টা করতে হবে। এ সব ক্ষেত্রে ঠিকমত আইনে কিছু নাই। এক জায়গায় Land Acquisitionএব clauseএ বলা হয়েছে যে competent authority নিজের ইচ্ছানুসারে চেষ্টা করবে, কিন্তু তারা হয়ত গরীব লোকের জন্য চেষ্টা করবে না। বিশেষ করিয়া গরীব Muslimদের জন্য চেষ্টা করা উচিত। আমি Muslim কথানি ব্যবহার করছি বলে অনেকে আপত্তি করতে পারেন, কিন্তু চাকুবাবু সপষ্টই Muslimদের কথা বলেছেন। এতে সম্ভেদের আর অবকাশ থাকে না। এই বিল সেখাে অনেকে সম্ভেদ করেছেন যে rehabilitation for refugee আর eviction হচ্ছে Muslimদের বেলায়। এখানে এটা পরিষ্কার করেই বলে দেওয়া উচিত। যাদের বসতি কেড়ে নেওয়া হয়েছে তাদের যদি বসতির কোন একটা ব্যবস্থা না করা হয়, তাহলে বড়ই দুঃখের কথা হবে। আজকে যারা বাস্তুহারা হচ্ছে ওপার থেকে এসেছে তাদের জন্য, এখানকার লোকদের বাস্তু কেড়ে নেওয়া হচ্ছে; এইভাবেই যেন উঠেছে। এইটা খুবই natural যে এইভাবে provincialism উঠতে পারে। এই যে মানুষের মধ্যে রেমারেঞ্চি ও সম্ভেদের ভাব এটা কোন পক্ষেই ভাল না। এর দ্বারা একজননের অণু কেড়ে নিয়ে অন্য জনকে পাওয়ান হচ্ছে বলে তারা মনে করছে। যারা গরীব, এবং বাড়ী ছেড়ে চলে গিয়েছে তাদের বাড়ী ফেরৎ দেওয়া উচিত। কারণ, হরিপদ বাবুর ১৬ আনা কন্ধার মধ্যে যদি এক আনাও সত্য হয়, তাহলে আপনারা যতই করুন না কেন, মানুষের কোন আশীর্বাদই আপনারা পাবেন না। Mr. Gupta অনেক কথাই বলেছেন, তার জন্য আমি তাকে ধন্যবাদ দিচ্ছি। কিন্তু এই সেপের বিশেষ করে গরীব লোকদের জন্য অনেক কিছুই বলতে পারতেন। কিন্তু তা তিনি কিছুই বলেননি। সুতরাং সকলে বিলে গরীব লোকের যাতে কিছু একটা ব্যবস্থা হয় তার কথা চিন্তা করুন।

**Janab MUHAMMAD IDRIS :** Mr. Speaker, Sir, আমি সাধাা কিছু বলব।

**Mr. SPEAKER :** I think, Mr. Idris, there have been enough of speeches.



**Janab MUHAMMAD IDRIS:** মাননীয় স্পীকার মহোদয়, আজকে বিশেষ ক'রে আমাদের opposition এ শ্রদ্ধেয় চারুবাবু এবং হরিপদবাবু পশ্চিমবঙ্গের minority সম্বন্ধে অনেক কিছুই বলেছেন। তারপরে পশ্চিমবঙ্গের মুসলমানদের সম্পর্কে বিশেষ কিছু বলার আছে বলে আমি মনে করি না। কিন্তু আমাদের opposition দিক থেকে শ্রদ্ধেয় শ্রীযুক্ত শিবনাথ ব্যানার্জি, শ্রীযুক্ত জ্যোতি বসু ও শ্রীযুক্ত জে. সি. গুপ্ত মহোদয় মুসলিম সভ্যদের প্রতি appeal ক'রে যে বক্তৃতা দিয়েছেন সেই উল্লেখকে আমি দু-একটা কথা বলতে চাই। Sir, Refugeeদের rehabilitation এবং resettle যাতে করা হয় সেবিষয়ে house-এর কোন memberই বিষয়ত প্রকাশ করেন নাই। এক্ষেত্রে আমিও সকলের সঙ্গে একমত। কোন Muslim memberই বলেননি বা চাননি পূর্ববঙ্গের উদ্বাস্তুদের পুনর্বাসন করা না হোক। কিন্তু পশ্চিমবঙ্গের মুসলমানদের মধ্যে যারা নিজেরাই উদ্বাস্তু হয়েছেন তাঁদের নিয়েই এখানে গোলমাল দেখা দিয়েছে। আমরা চাই আমাদের পশ্চিম বঙ্গের যেসমস্ত মুসলমান উদ্বাস্তু হয়েচে এবং তাদের ঘরবাড়ী জোর ক'রে দখল করা হয়েছে, তাদের বিতাড়িত ক'রে বা বিতাড়িত অবস্থায় রেখে জোর করে তাদের বাড়ী দখল করা হয়েছে এবং উদ্বাস্তুরা চিরকাল সেখানে বাস করবে এই ধরনের যে সমস্ত amendment এসেছে সেগুলি competent authorityর হাতে ছেড়ে দেওয়া হোক। কাজেই আমরা চাচ্ছি যেসমস্ত গরীব হিন্দু বা মুসলমান তাদের ঘরবাড়ী থেকে বিতাড়িত হয়েছে মানবতার দিক থেকে তাদের আবার সেখানে বসান হোক। এবং refugeeদের যে জায়গায় স্থবিধা হবে সেখানে resettle করা হোক। যদি আমি বলি যে মুসলমানরা উদ্বাস্তু হয়েচে তাদের ঘরবাড়ী ফেরৎ দেওয়া হোক তাহলে শ্রদ্ধেয় J. C. Gupta এবং জ্যোতি বসু কি করে সোটা unreasonable মনে করেন আমি তা বুঝতে পারি না। জে. সি. গুপ্ত শপথ মুসলমানদের assurance দিয়ে বলেছেন যে, আর একটা বিল আসবে; আমি তাহলে বলব এতদিনে সোটা আসা উচিত ছিল। কতদিন হয়ে গেল তারা বাস্তব, ফুটপাথে, গোমাল ঘরে বাস করছে, তাদের কোন ব্যবস্থাই এখন পর্য্যন্ত করা হয়নি। এখানে মুসলমানদের লাভী ও হিন্দু নাগরিকদের জমি দখল করার মধ্যে একটা প্রভেদ আছে। মুসলমানদের caseগুলি একটু অন্য বকবের, কারণ মুসলমানদের বসতবাড়ী থেকে বিতাড়িত করা হয়েছে। কিন্তু হিন্দু নাগরিকদের জমির অধিকাংশই হচ্ছে surplus land এক্ষেত্রে দুইটিই হল different case ও different circumstances, সুতরাং এখানে আমরা different ভাবে appeal করতে পারি different provisionএর জন্য। সুতরাং Chief Minister ও শ্রী জে. সি. গুপ্ত ও অন্যান্য যীবা এখানে উপস্থিত আছেন তাঁদের নিকট appeal করব তাঁরা যেন সকলে নিলে reasonable ভাবে এবং unbiassed ও unprejudiced হয়ে এ বিষয়ে চিন্তা করেন। তাহলে এখানে যে সমস্ত amendment আনা হয়েছে সেগুলি সবলভাবে মেনে নিতে পারবেন। আমি আশা করি আমাদের তরফ থেকে বন্ধুদোস্তা সাহেব যে appeal কবেছেন সেটাতে আপনারা justice দেখাবেন।

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** Sir, before I pass on to say something about the various points raised by the speakers I may assure the members of this House and the public outside that the report which I have just heard in this House about a matter of disagreement between myself and my Minister is absolutely without foundation. It is one of the canards which is published by those press people who think they have made a scoop and they know full well that truth will always conquer in the end and they will be shamed.

Sir, with regard to the proposition that is being pressed round in this House, about which there have been various expressions of opinion, I may say at once that this alone shows how complex the whole problem is. It is an irony of the situation that I and my colleagues would be bringing forward a Bill for giving relief to the refugees who have come from East Bengal about the propriety of which or the legality of which a question has been raised by Sri Mudassir Hossain that I should be forgetful of the people who live in West Bengal. I am one of those who have had to deal with the displaced persons who have gone from one part of the province to the other. In this matter I do not make, as I have said before, any distinction between a Hindu and a Muslim, and therefore I like the spirit with which Sri Syed Badrudduja has

proposed his amendment which he has moved, namely, "Provided that the foregoing provisions shall not apply in the case of land belonging to a person or persons resident in West Bengal, but who has or have been dispossessed of his or their land on account of communal disturbances..., etc." That is an approach which appeals to me because it covers not merely one section of the community but it covers all sections. Every one who is distressed, every one who has been displaced for reasons over which he had no control has a claim over this Government and the Central Government. I may tell my friends here that even before this Bill came into being, for nearly 9 months now, orders have been issued to give relief to those displaced persons who have not migrated from West Bengal but remained in this province or in any part of the Indian Union. It is a peculiar thing that a man should have a premium that if he has gone from West Bengal to Pakistan and come back he gets the protection of the Evacuee Act whereas a man who has not gone from here but has been displaced from his natural surroundings should not be protected.

I should have thought that after I had said before in this House and my statements in this connection, people will at least trust me to see that justice is done to my own people, people who live in West Bengal and who have not migrated to East Bengal any time. The question is as to how to proceed in the matter. Sir, there have been, as I have repeatedly said in this House, two types of people who have been evicted during the disturbances. They are, those who were in East Bengal and have come to West Bengal; those who were in West Bengal and have gone to East Bengal and have come back here. For these two classes of people we have made provisions in different Bills and Acts.

Sri Charu Chandra Bhandari naturally is solicitous about the condition of the Muslims and there is no doubt whatsoever that the majority of these displaced Muslims belong to the poorer classes and therefore they demand our sympathy and consideration. Sir, it was at one time thought that we shall put as a proviso to section 4(I) a provision of this type: "Provided further that there shall be no stay of execution of an order under section 3(c) if the owner of the land is in unauthorised occupation of a land of a person who is entirely dependent for shelter or livelihood on such land". Sir, my main difficulty has been this that while I have got a fairly careful statistics with regard to those who have come from the other side or even those who have gone away from here, I have not got such a careful statistics of the persons about whom we are now discussing. Mr. Khuda Bukhsh could not give the figure and he asked Mr. Subnath Banerjee to provide figure. Mr. Rafique has suggested four lakhs of people, but, Sir, I want some more facts about this. I may inform the House that I have already asked the Director of Statistics to take a survey of these people. I feel that a legislation is essential for the purpose of protecting every person who belongs to West Bengal and who has been displaced during the trouble-some time. The question is in what manner this relief has to go there. It is not merely a question of putting a displaced person in a land or house from which he has been removed, but also to give him relief, so that he may be rehabilitated in the area from which he has been displaced. It is possible, as I have noticed before, that in some cases you may put a particular person in any particular area by force or by method of section 3, sub-section (3) of this Act, but it may not be possible for that gentleman to feel happy in the surrounding in which he has been placed. There are cases on record where a very large number of refugees have come from East Bengal and, naturally, the Muslims of that area are not very happy with regard to their ability to

stay, in that area with comfort. All these things will have to be considered. The whole matter is to be looked into, and I am hoping that within a period of four weeks or so, we may be able to bring in a legislation either by modifying the present Bill with a proviso as I have indicated or by any other manner. I may tell the House that I had approached the Centre and both the Prime Minister and the Rehabilitation Minister looked upon it with great amount of sympathy and consideration. They have advised me to give them the figures and I am sure that it will be possible for us to bring relief to this class of people. It is obvious, as Mr. Sibnath Banerjee so candidly said, that no provision can be made for a person, whether he is a Muslim or a Hindu, who possesses property more than he really needed for his livelihood. And if he has that property and a person has squatted on that land, there is no reason why he should not acquire that land in any particular case. But the point is, as I have indicated before, there are three types of lands or buildings that the refugees have squatted upon. One is land which is fallow land or waste land. In many cases, I know it for certain, they have reclaimed the area to a certain extent. They have put up their own structures. These are the main cases that we were thinking of when the Bill was considered. Then there is another case where they have squatted upon land which is too expensive for Government to purchase for them or for them to pay in instalments unless instalments are for a long period. Thirdly, there is land which is a small plot belonging to another refugee. My friend Mr. Jasimuddin has quoted me. I had quoted a letter of a person who is a displaced person who said—not a displaced person from West Bengal, but a displaced person from East Bengal—her land has been occupied by another displaced person; so that those cases have to be looked into. There are two things that have to be done—first of all to get facts and figures and then to see whether it would be possible to make amendments in this particular Bill so as to provide for the protection of these poor people of West Bengal who have been displaced during the last disturbances. If it is not possible to fit in in this Bill any amendment, then whether it will be possible perhaps to have another enactment of this Legislature. Sri Charu Chandra Bhandari says “why not have a proviso to section 4 about the displaced Muslims”? Sir, the expression “displaced persons” has been defined in the Act in a particular manner, and it would be a dangerous thing, it would lead to more complications than Sri Charu Chandra Bhandari could even conceive of, if we now change it and use some expression which has been used in the Act for some other class of people. My friend Syed Badrudduja has said “I have been guilty of blunder in some cases”. I do not believe that we have done that. All I say is, as I have said before, if all sides of the House are prepared to help, we shall be able, as we have been able, to do something with regard to the refugees from East Bengal; we shall be able to give protection and relief to those who belong to West Bengal, who are our citizens and who deserve every encouragement and protection from the Government.

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** Sir, I rise to accept the amendment of Sj. Susil Kumar Banerjee as amended by the amendment which has been moved by Sj. Shyamapada Bhattacharjee.

**Janab MD. KHUDA BUKHSH:** Sir, after the speech of the Hon'ble the Leader of the House we thought that Government would be prepared to meet us and devise ways and means as to how our wishes in this particular regard could be incorporated in the body of the Bill. If we understood him aright, he told the House that he had consultations

with the Hon'ble Jawaharlal Nehru and the Hon'ble Rehabilitation Minister, Mr. Jain, on this question and that they looked upon this question with favour; and the Hon'ble the Leader of the House is willing to incorporate a suitable amendment to give protection to the displaced persons. I thought, Sir, that the proper thing for the Government after the statement of the Hon'ble the Leader of the House would be to defer consideration of this clause (cries of 'no', 'no', from Government Benches) and allow us an opportunity of meeting Government and placing our points of view and helping the Government in this deliberation and see whether we could not devise a suitable amendment which would protect the interests of persons that I have at heart, and we and S. Charu Bhandari and S. Sibnath Banerjee and Government also have particularly in mind.

**Janab Syed BADRUDDUJA:** Sir, after the observation of the Hon'ble Chief Minister, I am also inclined to add one or two words to my friend's remarks. Sir, the Hon'ble Chief Minister has been pleased to state on the floor of this House that they are very anxious to protect the interests of those displaced persons who have been unfortunately affected by the communal disturbances. May I appeal to the Hon'ble Chief Minister once again to invite the Muslim representatives who are deeply interested in the question of the displaced persons? Sir, I make no discrimination here between Hindu displaced persons or Muslim displaced persons. I would ask him with all the seriousness to consider this question once again. The House will sit for another four, five or six days at most. I wonder whether in course of the next four days, when he favours this, when he looks upon this with sympathy, it will not be possible for their legal experts to introduce a certain amendment which may fit in with the whole picture. I once again appeal to the Hon'ble Chief Minister in view of his observation to reconsider the position and the stand we have taken and to protect the interests of his own citizens. Fortunately he has been placed at the helm of affairs, and he alone can deliver goods and nobody else.

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** With regard to the proposition made by Syed Badrudduja, I have got Muslim members in my party also. They have to be consulted. Surely he also represents the Muslims and he can come in. But my point is it is no use consulting anybody at the present moment. I have not got facts now. If this Bill has to go through and then, as I have suggested, if any amendment is to be made, it will be made by another piece of legislation.

**Janab MD. KHUDA BUKHSH:** Sir, may I make a submission that the figures which the Hon'ble Leader of the House so anxiously seeks may be furnished; if not fully but a very good and workable estimate of the number of Muslim displaced persons and the quantity of land they possess could be given.

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** I am not prepared to accept that.

**Janab MD. KHUDA BUKHSH:** I am not giving the figures. I am only trying to tell the Hon'ble Leader of the House that he can seek this information from the Minority Commission which has information in this behalf which may be found acceptable to the Leader of the House.

**S. JYOTI BASU:** Before you speak, Sir, I have one submission to make and that is this. The census throughout India was taken within the space of a few days and I do say that this particular census

can be taken within two or three days. I again appeal to the Hon'ble the Chief Minister to hear this appeal which has been made by members on this side to sit with us once again and see whether anything can be done with regard to this particular Bill. There cannot be any such hurry that within two or three days we must pass this Bill. We are late as it is. Let us be late for a few more days so that everybody can be satisfied and justice is done. In any case it is already nearly half past seven of the clock and we do not think we can sit any longer and when the Bill is to go on for the next two or three days, there is no point in sitting further tonight. In the meantime we can confer and decide on certain things and I think that would be the best thing. I would once more appeal to Government to accept this particular suggestion.

**Mr. SPEAKER:** I am now to put the amendments before the House and I put amendment No. 2A of Janab Syed Badrudduja.

The motion of Janab Syed Badrudduja that the following proviso be added at the end of sub-clause (1) of clause 4 of the short-notice amendment of Sj. Shyamapada Bhattacharyya, namely:—

“Provided that the foregoing provisions shall not apply in the case of land belonging to a person or persons resident in West Bengal, but who has or have been dispossessed of his or their land on account of communal disturbances or fear thereof and has or have left for any other place in West Bengal or India.”

was then put and a division taken with the following result:—

#### AYES—10.

Abdul Wahid Sarkar, Janab.  
Badrudduja, Janab Syed.  
Basu, Sj. Jyoti.  
Brahmin, Sj. Ratanlal.  
Husan Ara Begum, Janab.

Jasimuddin Ahmed, Mr.  
Khuda Bukhsh, Janab Md.  
Mohamad Rafique, Shaik.  
Molla Mohammad Abdul Halim, Janab.  
Muhammad Idris, Janab.

#### NOES—38.

Abdus Shokur, Janab.  
Banerjee, Sj. Sushil Kumar.  
Barman, the Hon'ble Syama Prasad.  
Bhattacharyya, Sj. Shyamapada.  
Chakravarty, Sj. Satish Chandra.  
Chaudhuri, the Hon'ble Rai Harendra Nath.  
Das, Sj. Radha Nath.  
Das Gupta, Sj. Khagendra Nath.  
Dass, Sj. Kanallal.  
Dolui, Sj. Harendra Nath.  
Dutt-Mazumdar, the Hon'ble Niharendu.  
Ganguli, Sj. Bepin Behari.  
Gayen, Sj. Arabinda.  
Gupta, Sj. J. C.  
Halder, Sj. Kuber Chand.  
Mahammad Kased Ali, Janab.  
Mahammad Sayeed Mia, Janab.  
Mahanty, Sj. Charu Chandra.  
Maiti, The Hon'ble Nikunja Behari.

Majumdar, The Hon'ble Bhupati.  
Mal, Sj. Iswar Chandra.  
Mallick, Sj. Ashutosh.  
Mandal, Sj. Annadaprasad.  
Mandal, Sj. Bankubehari.  
Mandal, Sj. Krishna Prasad.  
Misra, Sj. Sowindra Mohan.  
Mookerjee, The Hon'ble Kalpada.  
Murarka, Sj. Basantlal.  
Naskar, Sj. Ardhendu Sekhar.  
Panja, The Hon'ble Jadabendra Nath.  
Poddar, Sj. Anandilal.  
Pramanik, Sj. Rajani Kanta.  
Rafuddin Ahmed, The Hon'ble Dr.  
Roy, The Hon'ble Dr. Bidhan Chandra.  
Sen, The Hon'ble Prafulla Chandra.  
Shamsul Huq, Janab.  
Sinha, the Hon'ble Bimal Chandra.  
Zaman, Janab A. M. A.

The Ayes being 10 and the Noes 38, the motion was lost.

**Janab Syed BADRUDDUJA:** Mr. Speaker, we Muslim members on this side of the House have decided that we cannot take any part in the proceedings. We therefore walk out in protest.

The motion of Janāb Syed Badrudduja that at the end of sub-clause (I) of clause 4 of the amendment of Sri Shyamapada Bhattacharyya, the following proviso be added, namely:—

“Provided that the foregoing provisions shall not apply to land belonging to or occupied by a displaced Muslim resident in West Bengal who on account of communal disturbances or fear thereof left or has left after the 15th day of August, 1947, his place of residence for any other place in West Bengal or for any other part of India.”,

was then put and lost.

(At this stage when the amendment of Sj. Shyamapada Bhattacharyya was going to be put.)

**Sj. JYOTI BASU:** Sir, it is not quite clear as to how you are proceeding with this amendment. I have suggested an amendment to clause 4.

**Mr. SPEAKER:** If the amendment of Sj. Susil Kumar Banerjee, as amended by the amendment of Sj. Shyamapada Bhattacharyya, is accepted by the House in substitution of clause 4, then all other amendments will fall through.

**Sj. SIBNATH BANERJEE:** On a point of Order, Sir. I do not think that would be quite correct. The lesser amendments should be moved first and if they are negatived, then the main amendment would be put.

**Mr. SPEAKER:** I think I have to put this amendment first. So far as these two amendments are concerned, they relate to this amendment motion of Sj. Shyamapada Bhattacharyya.

The motion of Sj. Shyamapada Bhattacharyya that in the proposed amendment of Sj. Susil Kumar Banerjee for proposed sub-clause (I) of clause 4, the following be substituted, namely:—

“4. (I) Notwithstanding anything contained in section 3, no order under sub-section (3) of that section, shall be executed if the person in respect of whom the order has been made is a displaced person who on the 31st day of December, 1950, was in unauthorised occupation of any land, until the State Government provides for him in the prescribed manner—

(a) other land which in the opinion of the Competent Authority is situated in an area from where the displaced person would be able to carry on conveniently such occupation as he may have been engaged in for earning his livelihood at the time when the Competent Authority makes the order.

(b) and also with a house on such other land, suitable for him in the opinion of the Competent Authority, if immediately before the Competent Authority makes the order, he had a house on the land,

and pending the providing of such other land, and house (if any), the displaced person shall be permitted to use and occupy the land and house, if any, of which he was in unauthorised occupation on payment of such consideration periodically or otherwise to the owner as the Competent Authority may by order deem fit to assess.”,

was then put and agreed to.

The motion of Shaikh Mohamad Rafique that at the end of sub-clause (1) of clause 4 of the amendment of Sri Susil Kumar Banerjee, the following proviso be added, namely:—

“Provided that the foregoing provisions shall not apply to land belonging to or occupied by a displaced Muslim resident in West Bengal who on account of communal disturbances or the fear thereof left or has left his place of residence after the 15th day of August, 1947, for any other place in West Bengal or for any other part of India.”,

was then put and lost.

The amendment motion of Sj. Susil Kumar Banerjee, as amended by amendment motion of Sj. Shyamapada Bhattacharyya, that for clause 4, the following be substituted namely:—

“4. (1) Notwithstanding anything contained in section 3, no order under sub-section (3) of that section shall be executed if the person in respect of whom the order has been made is a displaced person who on the 31st day of December, 1950, was in unauthorised occupation of any land, until the State Government provides for him in the prescribed manner—

(a) other land which in the opinion of the Competent Authority is situated in an area from where the displaced person would be able to carry on conveniently such occupation as he may have been engaged in for earning his livelihood at the time when the Competent Authority makes the order,

(b) and also with a house on such other land, suitable for him in the opinion of the Competent Authority, if immediately before the Competent Authority makes the order he had a house on the land,

and pending the providing of such other land, and house (if any), the displaced person shall be permitted to use and occupy the land and house, if any, of which he was in unauthorised occupation on payment of such consideration periodically or otherwise to the owner as the Competent Authority may by order deem fit to assess.

(2) The State Government, on the application of the owner of any land or of its own motion, may, if it thinks fit so to do, acquire any land or any part thereof for a public purpose. Such acquisition shall be made under the provisions of the Land Acquisition Act, 1894 (1 of 1894):

Provided that no land shall be acquired in pursuance of this section except with the consent of the owner thereof, if the owner is entirely dependent for shelter or livelihood on such land.

*Explanation.*—In construing this Act and the Land Acquisition Act, 1894, the expression “public purpose” shall be deemed to include the rehabilitation of displaced persons”,

was then put and a division taken with the following result:—

AYES—38.

Abdus Shokur, Janab.  
Banerjee, Sj. Sushil Kumar.  
Barman, the Hon'ble Syama Prasad.  
Bhattacharyya, Sj. Shyamapada.  
Chakravarty, Sj. Satish Chandra.  
Chaudhuri, the Hon'ble Rai Harendra  
Nath.

Das, Sj. Radha Nath.  
Das Gupta, Sj. Khagendra Nath.  
Dass, Sj. Kanallal.  
Dolui, Sj. Harendra Nath.  
Dutt-Mazumdar, the Hon'ble Niharendu.  
Ganguli, Sj. Bipin Behari.  
Gayer, Sj. Arabinda.

Gupta, S. J. C.  
 Haidar, S. Kuber Chand.  
 Mahammad Kased Ali, Janab.  
 Mahammad Sayeed Mia, Janab.  
 Mahanty, S. Charu Chandra.  
 Maiti, The Hon'ble Nikunja Behari.  
 Majumdar, The Hon'ble Shupati.  
 Mai, S. Iswar Chandra.  
 Mallick, S. Ashutosh.  
 Mandal, S. Annadaprasad  
 Mandal, S. Bankubehari.  
 Mandal, S. Krishna Prasad.  
 Misra, S. Sewrindra Mohan.

Mookerjee, The Hon'ble Kalipada.  
 Murarka, S. Basantlal.  
 Naskar, S. Ardhendu Sekhar.  
 Panja, The Hon'ble Jadabendra Nath.  
 Poddar, S. Anandilal.  
 Pramanik, S. Rajani Kanta.  
 Rafiuddin Ahmed, The Hon'ble Dr.  
 Roy, The Hon'ble Dr. Bidhan Chandra.  
 Sen, The Hon'ble Prafulla Chandra.  
 Shamsul Huq, Janab.  
 Sinha, The Hon'ble Bimal Chandra.  
 Zaman, Janab A. M. A.

## NOES—2.

Basu, S. Jyoti.

| Brahmin, S. Ratanlal.

The Ayes being 38, and the Noes 2, the motion was carried.

The question that clause 4, as amended, do stand part of the Bill was then put and agreed to.

**Mr. SPEAKER:** All the other amendments fall through.

**Mr. JYOTI BASU:** On a point of privilege, Sir. We came here to attend the session at 2-30 and it is 8 o'clock now. Government may, of course, insist that this Bill be passed today, but you can understand that if we are to do any serious work as far as legislation is concerned, then we cannot sit here any longer and I think this practice is contrary to parliamentary practice. (The Hon'ble Dr. BIDHAN CHANDRA ROY: They sit all night.) Yes, we can also sit all night if it is necessary, but it is not necessary today. (The Hon'ble Dr. BIDHAN CHANDRA ROY: That is your opinion.) Therefore, Sir, I think, since we are meeting tomorrow again if it is said that this Bill should be passed today, then I have serious objection and no person can participate in the deliberations under this condition—except the Government, of course. So, as one of the Opposition, I would ask you to see that the session ends today and we meet tomorrow for passing of this Bill. I do not see what hurry there is.

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** Sir, if we continue for another 15 or 20 minutes—

**Sri JYOTI BASU:** I do not know what these 15 minutes mean. If they want to pass clause 5, let them tell us, but if they want to pass the Bill, we have serious objection to that.

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** We are accustomed to hear pontifical announcements from Mr. Jyoti Basu, but he is not the only man in the whole House.

**S. JYOTI BASU:** The point I would like to know is which clause you want to pass.

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** All clauses.

**S. JYOTI BASU:** In 15 minutes you cannot pass all the clauses.

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** Let us see.

**S. JYOTI BASU:** Sir, once more I insist—

**Mr. SPEAKER:** Let us go on for 15 minutes and let us see if within 15 minutes we can make any progress. Otherwise, we leave it.



**SJ. SIBNATH BANERJEE:** Sir, I would like to make a submission. On a previous occasion when I was alone, Government found it difficult to pass that Bill on that day. Ultimately they had to make some compromise. Each division means 5 minutes. Therefore, it cannot be passed even if the Chief Minister insists. In 15 minutes nothing can be done. Third reading may be taken up tomorrow. One-man opposition is enough for opposing the Bill for two hours. Nobody can stop us from speaking on each provision, each clause, each amendment. There is no time-limit.

**Mr. SPEAKER:** If there is so much opposition I do not think we can make much progress in 15 minutes.

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** I was suggesting that all the clauses may be done, and the third reading may be taken up tomorrow.

**Mr. SPEAKER:** If members want to speak on clauses I do not know whether we can make much progress. In view of the Opposition point of view that they have sat for a long time, I do not think it is possible to make much progress in the Bill itself in 15 minutes. I do not think it will be helpful to the House. In the circumstances, I think it is better to adjourn.

**SJ. SIBNATH BANERJEE:** We can take up clause 5. (Cries of, "No, no" from Congress Benches.)

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** Sir, the Opposition says "Take clause 5".

**Mr. SPEAKER:** Order, order. The question is whether we can make sufficient progress. I find that in view of the Opposition demanding the adjournment of the House, we cannot make sufficient progress. When we cannot make sufficient progress there is no use sitting for a few minutes more. It is better now to adjourn the House.

#### Adjournment.

The House was then adjourned at 7-58 p.m. till 3 p.m. on Wednesday, the 11th April, 1951, at the Assembly House, Calcutta.

**Proceedings of the West Bengal Legislative Assembly assembled  
under the provisions of the Constitution of India**

THE ASSEMBLY met in the Assembly House, Calcutta, on Wednesday, the 11th April, 1951, at 3 p.m.

**Present:**

Mr. Speaker (the Hon'ble ISWAR DAS JALAN) in the Chair, 11 Hon'ble Ministers and 58 members.

**STARRED QUESTIONS**

(to which oral answers were given)

**Jute Controller**

\*81. (SHORT NOTICE) **SJ. CHARU CHANDRA BHANDARI:** Will the Hon'ble Minister in charge of the Commerce and Industries Department be pleased to state—

- (a) whether the post of Jute Controller still exists;
- (b) whether Mr. J. R. Walker still continues to function as Jute Controller;
- (c) in view of the fact that jute has been decontrolled, what is the present position in regard to the existence of the post of Jute Controller and what are the duties of the Jute Controller?

**The Hon'ble Dr. BIDHAN CHANDRA ROY (on behalf of the Hon'ble Nalini Ranjan Sarkar):** (a) Yes.

(b) Yes, but this Government have proposed to the Government of India to appoint Sri K. D. Jalan, Chairman of the Indian Jute Mills Association, as the Jute Controller *vice* Mr. Walker, who is proceeding on leave shortly.

I may inform the House that the Government of India have not accepted our recommendation but have appointed Mr. N. M. Ayyar, Chairman, Calcutta Port Trust, as the Jute Controller.

(c) It is only the control over prices of raw jute and jute manufactures that has been lifted but the Jute Controller still has important functions connected with the control of production, supply and distribution of jute goods under the West Bengal Jute Goods (Control) Act, 1950. Such control is necessary to ensure supply of jute goods against barter agreements with Argentine, China and other countries and to priority consumers such as Government of India and the State Governments.

**SJ. CHARU CHANDRA BHANDARI:** Supplementary question, Sir, মাননী মহোদয় বলবেন কি যে India Parliamentএ কয়েকদিন হ'ল প্রশ্নের উত্তরে সংশ্লিষ্ট মহোদয় বলছিলেন—after decontrol of jute আর কোন post, Jute Controllerএর post পরকার নেই। এদিকে আপনার দৃষ্টি আকর্ষিত হয়েছে কি?

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** না, আমি শুনিনি নাই। যদি কেউ লিখে থাকে, তবে ভুল লিখেছে, কারণ Jute Controllerএর কাজ হচ্ছে—Jute lift, সেটা হচ্ছে। The price of the raw jute and the price of jute manufactures used to be controlled before the lifting of the control but Jute Controllerএর কাজ হচ্ছে jute production কোথায় বাবে, কার কাছে বাবে, কিভাবে সরবরাহ হবে, কিভাবে jute goods তৈরী করতে এই সমস্ত।

**SJ. JYOTI BASU:** With reference to answer (6), will the Hon'ble Minister be pleased to state if the India Government assigned any reasons for their choice of the Chairman?

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** No.

**SJ. BIMAL COMAR CHOSE:** Will the Hon'ble Minister be pleased to state if he is aware that the Industry and Supply Minister of the Government of India after making the first statement rectified that by saying that the Jute Controller's post was not abolished but that certain controls over raw jute and jute manufactures were lifted?

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** Yes, I already told you that the control was over the price of raw jute and the price of jute goods and that control was lifted but the Jute Controller had other functions to perform.

**Dr. SURESH CHANDRA BANERJI:** Supplementary question, Sir, মাননীয় স্বর্জন্যমন্ত্রী বলছেন কি যে distribution of jute টিকসত না হওয়ার কলে smaller groups of jute mills বিশেষ ক্ষতিগ্রস্ত হচ্ছে—তারা টিকসত jute পাচ্ছে না।

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** আমার কাছে আজকে কয়েকজন বলেছেন, আমি তাদের আসতে বলেছি। Jute Controller-এর raw jute-এর সঙ্গে সম্পর্ক নাই—his duty is confined to the jute goods manufactured not the raw jute. There are some jute mill owners who telephoned to me this morning complaining that they were not getting raw jute. I have told them—although that is not really in my province—to meet me the day after tomorrow and if necessary I will refer the matter to the Central Government.

**SJ. DEBENDRA NATH SEN:** Will the Hon'ble Minister be pleased to state whether there is any non-official machinery for purchasing jute goods from Pakistan.

**Mr. SPEAKER:** How does your question arise out of this question?

**SJ. DEBENDRA NATH SEN:** It arises in this way, Sir, that there is the reply that this Controller has got control over the production, supply and distribution and therefore my supplementary question is relevant to that.

**Mr. SPEAKER:** The question was with regard to the "Jute Controller" and his position, and did not cover the jute trade as a whole. Therefore your supplementary question does not arise.

**SJ. DEBENDRA NATH SEN:** Will the Hon'ble Minister be pleased to state as to whether there is any machinery, Government or otherwise, for allocating raw jute to the various jute mills?

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** Yes, Sir, there is the Jute Control Board which does not arise out of this question at all; that is a different organisation altogether and if a specific question is asked about the Jute Control Board which controls the distribution of raw jute to the different mills, at some other time, I will give you the answer.

**SJ. SIBNATH BANERJEE:** Will the Hon'ble Minister be pleased to state why, with reference to answer (c), in the matter of supply of jute goods against barter agreements, there were barter agreements with countries like Argentine and China in place of the ordinary trade channels of buying and selling?

**Mr. SPEAKER:** That question does not arise.

**SJ. SIBNATH BANERJEE:** Control উঠিবে দেখার কারণ কি ?

**Mr. SPEAKER:** No, you cannot ask that question.

**SJ. SIBNATH BANERJEE:** Supplementary question, Sir. কুড়চাকা  
লোকসান দেওয়ার পরে এই control উঠিবে দেওয়া হয়েছে।

**Mr. SPEAKER:** That question does not arise.

**SJ. BIMAL COMAR CHOSE:** Will the Hon'ble Minister be pleased to state under what Act or Statute the Jute Controller is appointed?

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** It is mentioned here under the West Bengal Jute Goods (Control) Act, 1950.

**SJ. BIMAL COMAR CHOSE:** Will the Hon'ble Minister be pleased to state, in view of the fact that the Controller is appointed under a Bengal Statute as to what power the Government of India has in the matter of appointment of the Jute Controller?

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** We have under this Act delegated the power to the Government of India.

**SJ. DEBENDRA NATH SEN:** Will the Hon'ble Minister be pleased to state if the Jute Controller is also a member of the Jute Control Board? And what is the relationship between them?

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** The Jute Control Board may be a separate question and after that is cleared up by means of a fresh question we may consider that point.

**Janab MD. KHUDA BUKHSH:** On a point of information. The Hon'ble Minister says that the Jute Control Board is an entirely different organisation and therefore it has nothing to do with the present question. But that question naturally comes in because the Jute Control Board deals with the organisation. Now, when you have placed the Jute Controller in charge of control, supply and distribution of jute goods, if the Jute Controller has nothing to do with the supply of raw jute, I am afraid I do not know how the functions of the two bodies are co-ordinated. I believe that was the point that was sought to be elicited by the question framed by my honourable friend who has put the supplementary question. These two, I think, are related, one to the other, and that naturally comes in, and I think the honourable member is entitled to ask that question.

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** The position is that the words "production, supply and distribution" mean that in the matter of hessian and other jute goods that are needed, the Jute Controller refers the matter to the different jute mills and asks them to produce so much of jute goods of different types and when they have made them, the Jute Controller supplies and distributes them. That is the function of the Jute Controller and that has nothing to do with raw jute.

**SJ. ANNADA PROSAD CHAUDHURY:** Supplementary question, Sir.  
এই Jute Controller একে কি ভারতীয় Government appoint করেন, নাকি Bengal Government appoint করেন ?

**Mr. SPEAKER:** The answer has already been given.

**SJ. ANNADA PROSAD CHAUDHURY:** Supplementary question, Sir,  
এই control ব্যাপারের জন্য, Parliament-এর কোন Act ছিলোনা। Central Government-এর নির্দেশে এটা Bengal Government অনুমোদন করে পাঠিয়েছেন কি ?

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** Controlএর সবে ভার লব্ব কি? Appointment of a particular person under the provisions of the Act where we make a recommendation and the final choice rests with the Government of India.

**8J. ANNADA PROSAD CHAUDHURY:** এটা Jute Control.

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** Jute Controllerএর কথাই আদর্শ হচ্চে, jute controlএর কথা নয়।

### Indo-Pakistan Trade Agreement of February, 1951

**\*82. 8J. BEPIN BEHARI CANGULI:** Will the Hon'ble Minister in charge of the Home Department be pleased to state—

- (a) whether the State Government was consulted in the matter of the recent Inter-Dominion Agreement;
- (b) if so, whether the interest of the State was considered in respect of Jute and Textile industries?

**MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Dr. Bidhan Chandra Roy):** (a) It is presumed that the honourable member has in mind the Indo-Pakistan Trade Agreement of February, 1951. This Government was not formally consulted on the details although some points were referred to us from time to time.

(b) Does not arise. This Government, however, kept the Government of India informed from time to time of the difficulties of the Jute and Textile industries.

**8J. BEPIN BEHARI CANGULI:** With reference to answer (a) that this Government was consulted on some points from time to time, will the Hon'ble Minister be pleased to state what are those points and when were they consulted?

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** It is very difficult for me to give an answer. They might have telephoned to me and they might have written to me as to the condition of the agreement regarding the supply of fish and eggs and so on. But, as I indicated, when the actual agreement was drafted, it was not formally sent to this Government either for consultation or for giving an opinion. But, as I said, when I happened to be in Delhi they might have asked me certain questions from time to time, not as a matter of outlining the agreement with regard to certain materials like jute.

**8J. DEBENDRA NATH SEN:** In view of the fact that the Government of India consulted this Government from time to time as also in view of the fact that this Government keep the Central Government informed from time to time of the position here, will the Hon'ble Minister be pleased to state what has been the effect of Indo-Pakistan Trade Agreement upon the cotton industry in West Bengal?

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** That effect would be seen in three or four months as to what the agreement results in.

**8J. DEBENDRA NATH SEN:** Will the Hon'ble Minister be pleased to state whether there is any possibility of cotton mills which have closed down, of reopening again as a result of the agreement?

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** If the honourable member will give me that question I will pass it on to the Central Government because I have no control over it.

**Janab MD. KHUDA BUKHSH:** Arising out of answer (b), viz., this Government kept the Government of India informed of the difficulties of the Jute and Textile Industries, will it be correct to assume that the Hon'ble Minister advised the Government of India that there is a great scarcity of jute in West Bengal?

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** Assumption is always incorrect. You need not assume anything. The fact is that the question of supply of jute to jute mills and of cotton to cotton industries are matters which everybody knows, and whenever an occasion arises I tell them about that.

**Janab MD. KHUDA BUKHSH:** Will the Hon'ble Minister be pleased to state if his attention has been drawn to a press report that there has been a sudden influx of ten lakh bales of jute which has been thrown into the Calcutta market?

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** I am not so trustful as my honourable friend Mr. Khuda Bukhsh is, about the press reports.

**SJ. BIMAL COMAR CHOSE:** With reference to answer (a), in view of the intimate economic relation between the two Bengals, will the Hon'ble Minister be pleased to state whether he considers it desirable that a machinery should be set up through which this Government might be consulted by the Central Government before trade agreements with Pakistan are concluded?

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** There have been periodical formal conferences at which trade agreements not only between the two provinces on this side but on the western side also were discussed. But with regard to the question that was asked about this particular trade agreement, in this particular case no formal consultation took place.

**SJ. BIMAL COMAR CHOSE:** Will the Hon'ble Minister be pleased to state whether the procedure under which trade can take place has been completed so that the trade which we desire should be resumed under the agreement becomes effective?

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** Sir, I am very sorry, I have not understood my friend's question. But as you must have seen that some jute has come from East Pakistan, I believe some cotton also has come. But I have no definite information to give.

**SJ. BIMAL COMAR CHOSE:** Will the Hon'ble Minister be pleased to state whether he is aware that apart from certain movements of jute, there has not been any large scale movement of goods between East Bengal and West Bengal even with regard to items which have been placed in the open general list?

**Mr. SPEAKER:** I do not think it arises out of this question.

**SJ. BIMAL COMAR CHOSE:** Sir, it arises because the question is whether the State Government was consulted in the matter of recent Inter-Dominion Agreement. Therefore my question was whether certain aspects of the Inter-Dominion Agreement have been actually found to be taking effect in practice?

**Mr. SPEAKER:** That does not strictly arise out of this question; but if the Hon'ble Minister so chooses, he may reply.

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** I have no information to give.

**SJ. DEBENDRA NATH SEN:** Will the Hon'ble Minister be pleased to state whether the Government of West Bengal insisted that they should be consulted before any final agreement with Pakistan was arrived at?

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** I have no idea.

**SJ. DEBENDRA NATH SEN:** Whether Government insisted?

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** No, I did not insist.

#### Statement on the death of a woman rice-seller.

**Janab MD. KHUDA BUKHSH:** Sir, before the House closed the other day, the Hon'ble Leader of the House promised to make a statement about the death of a woman rice-seller which took place at the junction of Free School Street and Mati Sil Street. The Hon'ble Leader of the House said that he would be in possession of information which would enable him to give answer to a short-notice question and I was to get a statement on the subject. That was also the subject-matter of an adjournment motion and the Hon'ble Leader of the House said that by Tuesday he was likely to be in possession of facts to enable him to answer questions. Sir, yesterday was Tuesday and we did not receive any statement or answer to that short-notice question. So, I would remind the Hon'ble Leader of the House through you that his answer to that question is overdue by a day.

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** Sir, there is another Tuesday next week. The point is that I have not got all the information, but the short-notice question has come before me. I am getting the answers ready and very likely we shall have to sit next Tuesday. So, you get it on a Tuesday—you cannot get it on Wednesday.

#### GOVERNMENT BILL.

#### The Eviction of Persons in Unauthorised Occupation of Land Bill, 1951.

##### Clause 5.

**Mr. SPEAKER:** I take it that there is no amendment on clause 5.

**SJ. CHARU CHANDRA BHANDARI:** Sir, I want to speak. মাননীয় স্পীকার মহাশয়, আপনি নিশ্চয়ই লক্ষ্য করেছেন যে এখন ৫নং clauseটা নেওয়া হবে। কারণ, এর আগে acquisitionএর কথা হয়ে গিয়েছে। আবার এই একটা acquisitionএর কথা। 'What is the motive of the Government behind it'?

**Mr. SPEAKER:** The motion of Sj. Sushil Kumar Banerjee was that clause 5 be omitted. Now, there cannot be an amendment for omitting the entire clause. The thing which they will have to do is to vote against this clause and kill it. That is the position.

The question that clause 5 do stand part of the Bill was then put and lost.

**Janab MD. KHUDA BUKHSH:** Mr. Speaker, Sir, still the procedure remains unclear. That was the motion brought by Government—it is in the body of the Bill. Is it permissible for the Government to kill their own motion?

**Mr. SPEAKER:** Yes, you can kill your own motion.

*Clause 6.*

**SJ. SUSIL KUMAR BANERJEE:** Sir, I beg to move that for clause 6 the following be substituted, namely:—

“6. The owner of any land if he desires to admit as a tenant or a lessee any person who is in unauthorised occupation of the land may apply to the Competent Authority to fix the premium and the rent payable therefor and the Competent Authority shall thereupon by order fix such premium and rent; and upon such premium and rent being fixed the person who is in unauthorised occupation of the land shall be admitted as a tenant or lessee on condition that he duly pays the premium and the rent so fixed”.

**SJ. JYOTI BASU:** Sir, I beg to move that in the substituted clause 6, proposed by Sj. Susil Kumar Banerjee, in line 2, after the words “occupation of the land” the words “or such person” be inserted.

Mr. Speaker, Sir, I think the amendment which I have proposed to the amendment of Sj. Susil Kumar Banerjee is quite simple. His amendment says: The owner of any land if he desires to admit as a tenant or a lessee any person who is in unauthorised occupation of the land may apply to the Competent Authority, etc. I suggest that the person in unauthorised occupation should also be given the right to apply to the Competent Authority. That is a very simple amendment and, I think, Government will accept it.

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** Sir, I am sorry that I cannot accept the amendment.

The motion of Sj. Jyoti Basu that in the substituted clause 6, proposed by Sj. Susil Kumar Banerjee, in line 2, after the words “occupation of the land” the words “or such person” be inserted was then put and lost.

The motion of Sj. Susil Kumar Banerjee that for clause 6 the following be substituted, namely:—

“6. The owner of any land if he desires to admit as a tenant or a lessee any person who is in unauthorised occupation of the land may apply to the Competent Authority to fix the premium and the rent payable therefor and the Competent Authority shall thereupon by order fix such premium and rent; and upon such premium and rent being fixed the person who is in unauthorised occupation of the land shall be admitted as a tenant or lessee on condition that he duly pays the premium and the rent so fixed.”

was then put and agreed to.

The question that clause 6, as amended, do stand part of the Bill was then put and agreed to.

*Clause 7.*

**SJ. SUSIL KUMAR BANERJEE:** Sir, I beg to move that for clause 7 the following be substituted, namely:—

“7. (1) Any person aggrieved by an order of the Competent Authority under section 3 or under section 4 or under section 6 may, within thirty days from the date of the order, appeal to a Tribunal appointed by the State Government consisting of three persons including a Chairman who shall be a person who is or has been or is eligible to be Judge of a High Court.



- (2) The Tribunal may set aside, confirm or modify the order of the Competent Authority.
- (3) The procedure of such appeals (including the procedure for the stay of execution of any order of the Competent Authority) shall be such as may be prescribed”.

**Mr. SPEAKER:** The only amendment that has been moved is amendment No. 1 of Sj. Susil Kumar Banerjee which I am putting to vote.

The motion of Sj. Susil Kumar Banerjee that for clause 7 the following be substituted, namely:—

- “7. (1) Any person aggrieved by an order of the Competent Authority under section 3 or under section 4 or under section 6 may, within thirty days from the date of the order, appeal to a Tribunal appointed by the State Government consisting of three persons including a Chairman who shall be a person who is or has been or is eligible to be Judge of a High Court.
- (2) The Tribunal may set aside, confirm or modify the order of the Competent Authority.
- (3) The procedure of such appeals (including the procedure for the stay of execution of any order of the Competent Authority) shall be such as may be prescribed.”,

was then put and agreed to.

The question that clause 7, as amended, do stand part of the Bill was then put and agreed to.

*Clause 8.*

**SJ. SUSIL KUMAR BANERJEE:** Sir, I beg to move that for clause 8 the following be substituted, namely:—

- “8. The use or occupation of any land under section 4 shall not create in the person so using or occupying the land any interest in the land”.

The motion was then put and agreed to.

The question that clause 8, as amended, do stand part of the Bill was then put and agreed to.

*Clause 9.*

**SJ. SUSIL KUMAR BANERJEE:** Sir, I beg to move that for clause 9 the following be substituted, namely:—

- “9. For the purpose of this Act the Competent Authority or the Tribunal may exercise such powers as may be prescribed”.

The motion was then put and agreed to.

The question that clause 9, as amended, do stand part of the Bill was then put and agreed to.

*Clause 10.*

**SJ. SUSIL KUMAR BANERJEE:** Sir, I beg to move that for clause 10 the following be substituted, namely:—

- “10. Any sum payable under an order of the Competent Authority or of the Tribunal as compensation, premium or rent shall be recoverable—
- (a) where it is payable to the State Government as a sum recoverable under a decree of a civil court, or as a public demand, or
- (b) where it is payable to an owner other than the State Government as a sum recoverable under a decree of a civil court”.

**Janab MD. KHUDA BUKHSH:** Sir, I oppose this amendment.

Sir, the intention of the whole Bill was to simplify the procedure for getting relief and redress from the courts of law and the original Bill provided that any such compensation or premium or rent or whatever was awarded by the court would be recoverable as a public demand. Now, Sir, it goes against the very principle of the Bill. Again the Government have sought to place obstacles or impediments in the way of the aggrieved party, and in this case, Sir, I fear that most of them are poor who would not be able to enforce the regular processes of the Civil Procedure Code in recovering their demand. There was an amendment, I find, to be moved by S<sup>j</sup>. Shyamapada Bhattacharyya, but, Sir, we cannot speak about that amendment, because it is not before the House, where the Government did show a little mercy. They differentiated between the urban areas of Calcutta and the rural areas where they appointed two authorities to hear the appeals arising out of the cases before the Competent Authority. But, Sir, here even that small mercy that the Government intended to show originally to the aggrieved party has been taken away, and they have been left to pursue the dilatory, onerous and expensive processes of the Civil Procedure Code. Therefore, I oppose this amendment.

**Mr. SPEAKER:** I think Mr. Bhattacharyya's motion contains the same provision as in the motion of S<sup>j</sup>. Susil Banerjee.

**Janab MD. KHUDA BUKHSH:** Sir, I am referring to the other amendment where the Government through the amendment of S<sup>j</sup>. Shyamapada Bhattacharyya wanted to appoint two appellate authorities—one for the Calcutta urban area and the other for the mufassal area. That was a thing, Sir, we would have welcomed if it were moved, because that would have certainly given more facilities to the mufassal area, the poor litigants, who could have approached the authorities in their districts, but, Sir, I find that it was not moved. Sir, Government originally intended that the little compensation which the poor sufferers whose lands have been encroached upon, built upon and trespassed into would be entitled to get under the findings and orders of the Competent Authority would be realised by Government and handed over to the aggrieved persons. Now, I find that Government want to go back upon their promise originally made in the Bill and the same old process of the Civil Procedure Code is being thrust upon the poor litigants who have to go through all the dilatoriness, delay, *bakshis*, bribery and corruption of the Civil Procedure Code. Sir, we must oppose the amendment and call upon the Leader of the House and the entire House to agree to the procedure laid down in the Bill, namely, it would be realised as a public demand and handed over to the aggrieved person.

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** Sir, Janab Khuda Bukhsh has entirely misconceived the scope of this amendment. The subject-matter of this amendment is how the amount awarded either by a Competent Authority or by a Tribunal will have to be realised. Now the Public Demands Recovery Act is only available to the State and to nobody else.

**Janab MD. KHUDA BUKHSH:** It was in the original Bill.

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** Not at all. Under the Public Demands Recovery Act money can be realised by the Government only or by the local authorities where powers have been given under the Act to such authorities; otherwise not. Where the private persons would get decrees or awards, they would have to only rely on

the procedure laid down in the Civil Procedure Code. If you do not understand the scope of the different Acts—the Civil Procedure Code and the Public Demands Recovery Act—I am helpless.

**Mr. SPEAKER:** In the original clause it was recoverable as a public demand.

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** So far as the amendment of Sj. Shyamapada Bhattacharyya was concerned, it was not moved simply because of the fact that there was no mention of the Tribunal. Here we are going to introduce Tribunal. The Tribunal's decree will have to be executed either under the procedure laid down in the Civil Procedure Code or under the Public Demands Recovery Act. These are the two Acts which are being mentioned here. If my friend does not understand the difference between the two Acts, how can I help him?

**Janab MD. KHUDA BUKHSH:** Sir, you would observe, as you were pleased to make that remark, that section 10 of the original Bill laid down, "any sum payable to the State Government as damages under section 3 or as compensation under section 4 or as premium or rent under section 6," etc. Sir, he was trying to confuse us because the words "State Government" occur. Damages under section 3 or compensation under section 4 or premium or rent under section 6 cannot all go to the State Government itself. Therefore, it was contemplated in the original draft that premium, compensation, etc., which would be payable to the private parties would be recoverable by Government.

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** No; it was not.

**Janab MD. KHUDA BUKHSH:** The Hon'ble Speaker can make his own reading of the Bill. He would make his own pronouncement; but it is here.

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** Don't say it is here. Please read it.

**Janab MD. KHUDA BUKHSH:** Sir, I may read it again: "Any sum payable to the State Government as damages under section 3 or as compensation under section 4 or as premium or rent under section 6, shall, without prejudice to any other mode of recovery, be recoverable as a public demand".

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** Yes, "payable to the State Government" and not to the private party.

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** Sir, I do not think that Mr. Khuda Bukhsh has not understood it. I think he has understood it. As I said the difference between this and the other is that in the original Act the only arrangement that was made was how the State Government would get the amount payable to it. You will see, Sir, that provisions have been made so that the owner of a land may obtain certain amount of compensation for the land occupied by some person not authorised to occupy that land and the way in which that compensation is to be recovered was not available in section 10 of the original Act. We were therefore advised by the legal adviser that it is necessary to provide not merely for the sum recoverable for the Government but also the sum which is recoverable on behalf of any of the owners—private party who may not be the authority or the Government and no machinery was given and this one gives that machinery or method.

**Mr. JASIMUDDIN AHMED :** আমার এখানে একটু বড়ন্যা আছে। As regards local authority যেমন State Government এর জন্য পারবেন public demand হিসাবে ডেমনি local authority সব সময় পারবেন Public Demand Recovery Act বড়ন private partyর বেলায়—(The Hon'ble Rai HARENDRA NATH CHAUDHURI : There is no mention of local authority.) But we find in section 2(5) that owner includes local authority also. (The Hon'ble Rai HARENDRA NATH CHAUDHURI : May be; what of that ? এখানে কি Civil Courtএ গিয়ে টাকা আদায় করতে হবে ? কিন্তু District Board, Local Board এবং Calcutta Corporation ও Municipality শ্রুতিতে যেমন হয় তাতে তারা public demandএর কথা দিয়েই ordinarily টাকাটা পায়।

**The Hon'ble Dr. BIDHAN CHANDRA ROY :** Private ownerরাও কি সেইভাবে পাবে, সেটা কি ক'রে হয় ?

**Mr. JASIMUDDIN AHMED :** সেটাও এর মধ্যেই আছে।

**The Hon'ble Rai HARENDRA NATH CHAUDHURI :** The local authority can realise only its demands under the Local Self-Government Act if authorised under the Public Demands Recovery Act. Otherwise not. Mr. Jasimuddin was the Chairman of the 24-Parganas District Board for a fairly long time yet it is strange he has not understood this. Take for instance if a municipality sues a private party and gets a decree against that party it will have to be executed under the Civil Procedure Code, there the Local Self-Government Act or Corporation Act or other Acts will be of no help. (Mr. JASIMUDDIN AHMED : That will apply to State Government also.) Not necessarily. It is provided here that so far as the Government is concerned, award that will be made in favour of the Government will be executed as a public demand.

**Mr. SPEAKER :** I think sufficient attention has been drawn to this clause. Is there any use of further discussion on this clause? I cannot allow one speaker to rise so many times. Let others take up this matter.

**Sj. CHARU CHANDRA BHANDARI :** মাননীয় স্পীকার মহোদয়, আমার মনে হয় একটু confusion of thinking হচ্ছে। আমরা ঠিক বুঝতে পারছি না what is the intention of the Government or the Legislature. এখন কথাটা হচ্ছে যদি মনে করেন যে, compensation পাবে, rent পাবে বা premium পাবে সেটা তাড়াহাড়ি আদায় করতে চান বা চান না ? যদি আপনারদের intention তাড়াহাড়ি আদায় করে দেবেন তবে Public Demand Act অনুসারে তাকে ক্ষমতা দেবেন— even Zamindars—মাননীয় মহীমহাশয় নিশ্চয়ই জানেন enough ক্ষমতা দেওয়া হয় under Public Demand Recovery Act, তার জন্য provision করা হয় যাতে সে টাকা আদায় করতে পারে। শ্রুতি হচ্ছে তাড়াহাড়ি আদায় করতে চান কি না। যদি তাড়াহাড়ি আদায় করতে চান, তাহ'লে আমার মনে হয় notwithstanding anything contained in the Public Demand Recovery Act ক্ষমতা দেওয়া উচিত। যদি তা না চান, যদি পোলনাল করতে চান—

**The Hon'ble Dr. BIDHAN CHANDRA ROY :** না পোলনাল করতে চাই না।

**Sj. CHARU CHANDRA BHANDARI :** যদি পোলনাল করতে চান তাহ'লে Civil Courtএর নীতি অনুসারে কিছুদিন পড়ে থাকবে তাৎপরে appeal হবে। Then that will be considered as an amendment to the Public Demand Recovery Act.

**The Hon'ble Rai HARENDRA NATH CHAUDHURI :** That cannot be. Mr. Bhandari forgets the provisions of the Public Demands Recovery Act. He insists on what can only be secured by an amendment of the Public Demands Recovery Act and not by any provision made in this Act. If

you want that the Public Demands Recovery Act should be made available to private parties also, then that Act will require amendment and that amendment cannot properly be inserted in this Act.

**SJ. CHARU CHANDRA BHANDARI :** আমি দেখিয়ে দিচ্ছি Parliamentary Actএ এই কবতা আছে ।

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** Because that is provided for in a particular section of the Public Demands Recovery Act. Therefore if you want to give the parties here the benefit available under the provisions of the Public Demands Recovery Act then that Act will have to be amended and that purpose cannot be achieved by inserting any provision in this Act.

**SJ. CHARU CHANDRA BHANDARI :** আমি একটা instance দিচ্ছি । Indiaতে একজন জমিদার কি করে কবতা পায় ?

**SJ. SIBNATH BANERJEE :** Mr. Speaker, Sir, I want to speak on another aspect of the amendment. অম্বাভাব ও নহবের যে amendment এই শাসনাপন বাবু এবং স্বশীল বাবুব যেটা accept করা হয়েছে তাতে compensation বখার বদলে consideration করা হয়েছে । After a good deal of negotiation and all that consideration কথাটা এখানে নেই—compensation কথাটা আছে—(SJ. CHARU CHANDRA BHANDARI : রয়েছে, এই যে এখানে আছে ।)

**MR. SPEAKER:** I think these interruptions do not clarify the point that Mr. Banerjee is trying to put forward. Now, let him complete his speech.

**SJ. SIBNATH BANERJEE :** Now, Sir, it was a very helpful suggestion. If the word "consideration" is already there it is good, but I do not find that in the printed amendments. I do not know if there is any subsequent amendment, but I have not got a copy of it and so I want to draw the attention of the House that the word "consideration" is very important. I am referring to clause 10. I do not find the word "consideration" there. That seems to be a lapse. If that is so, it should be added as the short-notice amendment.

**MR. SPEAKER:** I think the Government is moving it.

**SJ. SIBNATH BANERJEE :** I also want to insert the word "consideration" and I want to delete the word "premium". Sir, big talks went on for fifteen minutes, and I was completely non-plussed and could not even propose the deletion of the word "premium". Sir, the decree business is very bad. We know that when the rent is Rs. 10 the decree can go up to Rs. 1,000. So I wanted the deletion of the word "premium".

**MR. SPEAKER:** In clause 6 the word "premium" occurs and it has been passed, and you cannot delete it now.

**SJ. SIBNATH BANERJEE :** Although it has been passed in clause 6, it may be dropped here so that the premium may be realised through ordinary civil courts and not as a public demand. That can be done if the word "premium" is dropped here. The result would be that they will have to go to civil court. It is not illogical or unconstitutional. I am sure they will oppose it. But it can be done if the word "premium" is dropped at this stage: there is nothing illogical about it. Sir, I also want the word "compensation" to be changed into "consideration".

**Sj. SUSIL KUMAR BANERJEE:** Sir, I am prepared to accept the word "consideration" after the word "compensation".

**Janab MD. KHUDA BUKHSH:** On a point of order, Sir. Mr. Banerjee on that side of the House is prepared to accept. I want to know whether it lies in his power to accept an amendment or to reject an amendment.

**Sj. SIBNATH BANERJEE:** Sir, may I move my amendment.

I beg to move as a short-notice amendment that in amendment No. 2 of Sj. Susil Kumar Banerjee the word "consideration" be inserted after the word "as" and before the word "compensation".

I beg further to move as a short-notice amendment that in amendment No. 2 of Sj. Susil Kumar Banerjee the word "premium" be deleted.

**Sj. SUSIL KUMAR BANERJEE:** Sir, I accept the first amendment.

(When the short-notice amendment of Sj. Sibnath Banerjee that in amendment No. 2 of Sj. Susil Kumar Banerjee the word "consideration" be inserted after the word "as" and before the word "compensation", was being put.

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** Sir, logically it will come after the word "compensation" because there is a subsequent clause.

**Mr. SPEAKER:** After the word "compensation" the word "consideration" be inserted.

**Sj. SIBNATH BANERJEE:** That is not my amendment.

**Dr. P. C. GHOSH:** It can very well come before the word "compensation".

The short-notice amendment of Sj. Sibnath Banerjee that in amendment No. 2 of Sj. Susil Kumar Banerjee after the word "as" and before the word "compensation" the word "consideration" be inserted, was then put and agreed to.

The short-notice amendment of Sj. Sibnath Banerjee moved that in amendment No. 2 of Sj. Susil Kumar Banerjee the word "premium" be deleted, was then put and lost.

The amendment No. 2 of Sj. Susil Kumar Banerjee, as amended by the short-notice amendment of Sj. Sibnath Banerjee that for clause 10 the following be substituted, namely:—

"10. Any sum payable under an order of the Competent Authority or of the Tribunal as consideration, compensation, premium or rent shall be recoverable—

(a) where it is payable to the State Government as a sum recoverable under a decree of a civil court, or as a public demand, or

(b) where it is payable to an owner other than the State Government as a sum recoverable under a decree of a civil court",

was then put and agreed to.

The question that clause 10, as amended, do stand part of the Bill, was then put and agreed to.

**Mr. SPEAKER:** One thing I wish to point out to you that whenever short-notice amendments are moved, they should be handed over to me; otherwise it is difficult to say whether they are admissible.

*Clause 11.*

**SJ. SUSIL KUMAR BANERJEE:** Sir, I beg to move that for clause 11 the following be substituted, namely:—

“11. An order passed by the Tribunal on appeal under section 7, and save as provided in section 7, an order made by the Competent Authority under section 3 or section 4 or section 6 shall be final and shall not be called in question in any court or Tribunal or by any authority.”

**SJ. CHARU CHANDRA BHANDARI:** মাননীয় শ্রীকার মহাশয়, হুশীলবাবুর যে amendment তাতে clause 11 বদলালেও একটা lacuna থাকে, লক্ষ্য করুন, “an order passed by the Tribunal under section 7, and save as provided in section 7, an order made by the Competent Authority under section 3 or section 4 or section 6 shall be final and shall not be called in question in any court or Tribunal or by any authority;”

সেখানে একটা lacuna থেকে যাচ্ছে। এই order কে কে pass করতে পারবে, কে করবার competent authority এই সব কিছু নাই। আর section 3তে যে কোন্ competent authority Civil Courtএ refer করবে সেটা বাদ থেকে গেল।

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** বাদ থাকবেই।

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** সেটা Civil Courtএ চলে গেল।

**SJ. CHARU CHANDRA BHANDARI:** Civil Courtএ চলে গেলে তবে কি High Courtএ নিয়ে যেতে চান? তাহ'লে সেখানেও lacuna থেকে গেল একটা গোলমাল থাকবে। তাহ'লে Civil Court appeal হবে না Tribunalএ যাবে। এটা তাহ'লে final করুন। আমি এখন ছেড়েই দিলাম, third readingsএ বলবো।

The motion of Sj. Susil Kumar Banerjee that for clause 11 the following be substituted, namely:—

“11. An order passed by the Tribunal on appeal under section 7, and save as provided in section 7, an order made by the Competent Authority under section 3 or section 4 or section 6 shall be final and shall not be called in question in any court or Tribunal or by any authority.”

was then put and agreed to.

The question that clause 11, as amended, do stand part of the Bill was then put and agreed to.

*Clause 12.*

**SJ. SHYAMAPADA BHATTACHARYYA:** Sir, I beg to move that clause 12 be renumbered as sub-clause (1) of clause 12 and after that sub-clause as so renumbered the following sub-clause be added, namely:—

“(2) No suit or other legal proceeding shall lie against State Government for anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.”

The motion was then put and agreed to.

The question that clause 12, as amended, do stand part of the Bill was then put and agreed to.

*Clause 13.*

The question that clause 13 do stand part of the Bill was then put and agreed to.

*Clause 14.*

**SJ. SHYAMAPADA BHATTACHARYYA:**—Sir, I beg to move that for clause 14, the following be substituted, namely:—

“14. Nothing in this Act shall apply to any land which is evacuee property under section 3 of the West Bengal Evacuee Property Act, 1951.”

The motion was then put and agreed to.

The question that clause 14, as amended, do stand part of the Bill was then put and agreed to.

*Clause 1.*

**Mr. SPEAKER:** Now, I am coming to clause 1 which was held over. I find there is one amendment of Mr. Jasimuddin Ahmed which was not moved. Mr. Ahmed, will you move that amendment?

**Mr. JASIMUDDIN AHMED:** Yes, Sir. I beg to move that in clause 1(1), lines 1 and 2, for the words “eviction of persons in unauthorised occupation of land” the words “rehabilitation of displaced persons” be substituted.

Sir, I wanted that these words should be deleted.

**Janab MD. KHUDA BUKHSH:** Sir, I want to raise again the question that I raised yesterday—whether these amendments are within the scope of the Bill.

**Mr. SPEAKER:** Are you rising on a point of order?

**Janab MD. KHUDA BUKHSH:** Yes, Sir.

**Mr. SPEAKER:** Are you still persisting after the amendments are made?

**Janab MD. KHUDA BUKHSH:** Sir, my point of order arises after the amendments are moved. It is the same question that I raised yesterday—whether these two amendments to clause 1 of Mr. Susil Kumar Banerjee are within the scope of the Bill. Sir, yesterday I submitted before you that in deciding whether one particular amendment is or is not within the scope of the Bill, the preamble, the short title and the Statement of Objects and Reasons should be consulted. Sir Azizul Haque has laid down that in the case of an open preamble any amendment could be moved. But whereas in this particular case the preamble is closed because the Bill has been presented before the House with a specific object in view which is the eviction of persons in unauthorised occupation—

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** Sir, it is the same point of order which was disposed of. What is the good of raising this point of order?

**Mr. SPEAKER:** He is raising this point of order in connection with these two amendments.



**Janab MD. KHUDA BUKHSH:** If the Hon'ble Judicial Minister will bear with me for one moment or two and if he will fix his wandering mind, he will understand that the same point of order is being raised in respect of the fresh amendments. Now, I want to make the same point with respect to these two amendments whether they are in order.

Sir, here if we read the preamble, it says—whereas it is expedient to provide for the eviction of persons in unauthorised occupation. Sir, the emphasis is on the eviction of persons in unauthorised occupation. Sir, it says also “and for certain other matters connected therewith”. Sir, these “other matters connected therewith” are connected with the eviction of those persons. Yesterday, the Hon'ble Judicial Minister wanted to consider “other matters connected therewith” with something else—with the displaced persons or their rehabilitation. My submission is that this is explicit and admits of one and only one meaning—other matters connected with eviction and with nothing else.

**Mr. SPEAKER:** There are two amendments before us. One is with regard to clause 1(2) which says “and shall remain in force for a period of three years from such date”. Are you objecting to this amendment also?

**Janab MD. KHUDA BUKHSH:** No, I am objecting to the first amendment—that is “Rehabilitation of displaced persons”.

**Mr. SPEAKER:** Therefore, you are not objecting to the second amendment.

**Janab MD. KHUDA BUKHSH:** I shall come to that later on—I have any objection on other grounds. But I am objecting to rehabilitation on the ground that it is outside the scope of the Bill as brought before the House which is definite and also very limited by the preamble and the Statement of Objects and Reasons.

**Mr. SPEAKER:** I wish to make it clear now that amendments have been passed on the different provisions of the Bill. Now, you need not go into the preamble or Objects and Reasons. Now, you have got to see the contents of the provisions of the Bill and find out whether these words “Rehabilitation of displaced persons” can be put in at the place where they are sought to be put in. Therefore now we have to deal with that end in view and not with any other end.

I do not think that any further discussion is necessary.

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** Sir, may I point out that the Bill has two objects, namely, (1) the eviction of unauthorised persons other than *bona fide* refugees or displaced persons, and (2) the rehabilitation of *bona fide* refugees or displaced persons. If we cut out or make the substitution as suggested by Mr. Jasimuddin Ahmed then we shall really cut out all those sections which deal with unauthorised occupiers other than *bona fide* refugees.

The motion of Mr. Jasimuddin Ahmed that in clause 1(1), lines 1 and 2, for the words “eviction of persons in unauthorised occupation of land” the words “rehabilitation of displaced persons” be substituted, was then put and lost.

The motion of S.J. Susil Kumar Banerjee that in clause 1(1), line 1, after the words “may be called the” the words “Rehabilitation of displaced persons and” be inserted, was then put and agreed to.

The motion of **Sj. Sūsīl Kumar Banerjee** that in clause 1(3), line 3, after the word "appoint" the words "and shall remain in force for a period of three years from such date" be added, was then put and agreed to.

The question that clause 1, as amended, do stand part of the Bill, was then put and agreed to.

*Preamble.*

**Sj. SUSIL KUMAR BANERJEE:** Sir, I beg to move that in the preamble, in line 1, after the words "provide for" the words "the rehabilitation of displaced persons and" be inserted.

The motion was then put and agreed to.

The question that the preamble, as amended, do stand part of the Bill, was then put and agreed to.

**Mr. SPEAKER:** So far as the long title is concerned, direction is given to the Secretary to do the needful.

We have finished the second reading. Now we shall take up the third reading.

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** Sir, I beg to move that the Eviction of Persons in Unauthorised Occupation of Land Bill, 1951, as settled in the Assembly, be passed.

**Sj. SIBNATH BANERJEE:** I was rising on a point of order, Sir.

**Mr. SPEAKER:** What is your point of order?

**Sj. SIBNATH BANERJEE:** You will recall, Sir, that once, a few days back, it was urged that when a large number of amendments are moved, the Bill should not be taken for final approval immediately. Some time should elapse. Although it was not accepted then, I am raising it today also.

**Mr. SPEAKER:** I have nothing further to add to what I said on that day. Does any member want to speak in the third reading?

**Sj. JYOTI BASU:** Yes, Sir. But what is your ruling?

**Mr. SPEAKER:** If you want the same thing to be repeated I am helpless.

**Sj. JYOTI BASU:** Mr. Speaker, Sir, now the Bill, it seems, is going to be passed. I shall have to summarise for the benefit of the Government especially the way that this Bill was placed before us what happened in the meantime. I think it will be useful for the future and for the working of the Act.

You remember, Sir, that I said at the very outset when the Bill was being placed before us that this Bill stands as a monument of faulty and hasty legislation. Sir, it is because I felt that Government was divorced from the people that it did not wish to understand the desire and wishes and sentiments of the people, both of the refugees and of the West Bengal people generally. If the Government was serious about rehabilitating the refugees then I should have thought—at least commonsense tells us—that the Government would have prepared detailed schemes for rehabilitating the refugees. The Government would have called conferences with the different political parties, the different organisations of refugees in West Bengal and try to find ways and means of giving the refugees the right, of giving the refugees their shelter or rehabilitation, but unfortunately nothing of the kind was done. On an order or request from the Government

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of India, the West Bengal Government thought it fit to bring forward a Bill for eviction of certain people; and it was only by the way that certain rights were assured to the refugees. That is, you will find in the original Bill in clause 4 that it was said by the way that until other land was found elsewhere the refugees, the *bona fide* refugees, would not be thrown out. But if the Government's intention from the very beginning was—as the Government claimed that it was—to rehabilitate the refugees and give legal right to the refugees, then, as I said, the Government would have moved quite in a different manner and then I am sure so much trouble would not have been there both outside and inside the Legislature. The Government intended to do one thing and does the other thing. That has been our experience unfortunately for the last two and half years with this Government. That is why as soon as the Bill was placed before us and the gazette was published, we found a tremendous agitation outside.

The refugees understood that unless they helped themselves, unless they united and built up a powerful opposition to the Bill as it was originally proposed to be passed ultimately they would really be evicted from the settlements and colonies which they have set up. But together with this we found another aspect which must be noted. The Government day in and day out has been trying to tell us that there are different political parties, different groups and individuals who are utilising the refugee movement for their own political purposes. But here was an occasion when the facts, as they were, gave a lie to all this Government propaganda because from the very outset most of the parties and groups were trying to help the refugees, and most of the organisations of the refugees were willing right from the beginning to hold conferences with the Government. They tried on their own to send on resolutions, which they were passing at their meetings, to the Government. They tried to meet the Government representatives. They tried to meet the Ministers whenever they were called. We went to the farthest lengths to see that there was a settlement of the refugee problem because nobody, as far as I know, on this side of the House wanted to play any political game as far as the refugees were concerned. As I said on another occasion, it was not necessary because there are enough things done by Government because of which the Government stands condemned. We need not use the refugees for any such propaganda, to run down this Government, because the Government which cannot give us food, clothing and shelter stands condemned. But whilst we were discussing the Bill inside this House, discussions were also going on outside and certain things were happening outside which to my mind shows that there were some dangerous trends with regard to the refugee problem. One I mentioned yesterday and it is worth while repeating it in short today, because I think that, even now, even when this Bill is being passed with many improvements effected, that danger has not receded. On the other hand I am afraid that when this Bill will be worked out in practice more difficulties might arise on that score and therefore I repeat the arguments and facts which I gave yesterday and that is we find unfortunately there are people on the Government side, there are certain Congress leaders, there are probably certain Ministers who are against the East Bengal refugees, who are against the interests of the East Bengal refugees and that is why in certain of the districts of West Bengal we have reports that these gentlemen are going about and are trying to spread the poison of communalism on the one hand and also to see that the differences between the East Bengal people and the West Bengal people are aggravated to the greatest extent. They are trying to explain to the West Bengal people that it is because lakhs of refugees have come into West Bengal that the West Bengal Government has been unable for the time being to solve the problems of the West Bengal people and that otherwise their problems could have been solved in no time. We have found for instance in certain

of the working class areas in 24-Parganas, Hooghly, Calcutta and other industrial areas that, when there is a strike or threat of a strike by the workers in the particular industrial areas, the big owners of the factories, they immediately spread the propaganda amongst the striking workers or amongst the people threatening the factory owners with a strike, that, if they did so, immediately they would see to it that the refugees were brought in to break their strikes, and we have reports that in this they are instigated or helped or aided by certain of the leaders of the West Bengal Congress. This, Sir, is the unfortunate part of the situation. I have also heard that, during the course of the discussion of this Bill in this Assembly, from the day it was placed before us, there have been leaders inside the West Bengal Congress who have suggested that they might organize a sort of counter-demonstration against the demonstration which was being held by the East Bengal refugees for their rehabilitation. This danger I mention here once again because I know that it is somewhat easy for such leaders for a particular period of time to hoodwink the West Bengal people in this matter because the West Bengal people together with the East Bengal refugees are suffering in the same way and because of which certain sections of them might fall a prey to this sort of vicious propaganda. We have found during the discussions over this Bill another point which was very nicely brought forward yesterday by certain members in this House and on which we have had enough discussion yesterday and which is a serious problem and that is the problem of people who have lost their lands in West Bengal or their houses in West Bengal and have taken shelter elsewhere in the Indian Dominion, who have not been covered in this particular Bill. On that we got an assurance yesterday from the Hon'ble the Chief Minister that something will be done in the course of four weeks but I was personally unable to understand as to why, if the Hon'ble Chief Minister has at long last understood that this is a serious problem, four weeks' time should be taken to take action on it and if the Hon'ble the Prime Minister of India has advised that some sort of a legislation would have to be brought in by the West Bengal Government to cover these people then I do not see why our request was not granted by the Hon'ble Chief Minister. He got very much annoyed and said that he will not listen to this sort of appeal from the Opposition Benches and to me the argument was very weak which the Hon'ble Chief Minister was giving us. He said that he had to take statistics as he had no figures and that is why it was necessary to collect figures before any legislation was brought forward with regard to these people and he also suggested that, at some future date, say within four weeks, a particular proviso might have to be added with this end in view in the Bill which is before us. If it is so, then I do not see why we could not wait a few days more before passing this Bill so that this Bill which is emanating from this House could have covered all sections of the people including those unfortunate people who have been deprived of their lands or houses in this State of West Bengal.

Then another question was raised by us and that was for a solution of the problem of the small owners. I do not know what solution will be found for them and that is a question not only of the Muslims but people of all communities only if they came under the category of small owners of whose lands—I do not know what their figures would be—might have been occupied by the refugees. I remember the Hon'ble the Chief Minister was reading out a letter written by a widow. I do not know how many such letters he received during the course of these months but the Hon'ble Chief Minister read out a letter from a widow and another letter from a retired Deputy Magistrate and he said that these people wanted back their lands which have been occupied by the refugees. It is reasonable that they want to get back their lands and I think nobody in this House would have any difference of opinion on this score and that nobody would want the

refugees to stay on in lands which belong to such people. But the point is that we have not seen on the part of the Government for the last one year or so any attempt whatsoever either to give any legal rights to the refugees or to consider the difficulties of the widow or the retired Deputy Magistrate whose letters were read out by the Hon'ble the Chief Minister. Today I think it is merely because the Government wants to do some political propaganda that they read out such letters. On that occasion I told the Hon'ble the Chief Minister that it was not because of the widow's letter or the letter of the retired Deputy Magistrate that such legislation was being brought in, but probably the reason was, as I told him on that occasion, that as there were big zamindars whose lands—waste lands,—were occupied by the refugees those gentlemen have not only written letters to the West Bengal Government but I am told that some of them have also been clever enough to offer huge sums of money for their election funds and election propaganda on behalf of the Congress. I think it is because of those gentlemen that at the very outset when the Bill was brought, because of the pressure—

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** Sir, do you allow such shameless imputation of motive which only shows the vile mind of the speaker.

**Mr. SPEAKER:** Order, order. If the Hon'ble the Judicial Minister wants to raise a point of order, let him say so in the first instance.

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** Yes, Sir, I rise on a point of order. Sir, it is a very base imputation of motive which was made by the honourable member as we have just heard him say to the effect that this Bill is being put forward because big zamindars are paying large sums of money towards the election fund. Sir, this is an absolutely unworthy, shameless, vile insinuation which is the outcome of the blackest mind. Do you allow such shameless imputation in the course of a speech which should be completely ruled out of order as unworthy of the dignity of the House?

**Mr. SPEAKER:** I find that while raising the point of order the Hon'ble Minister has also indulged in personal abuses. It should be borne in mind that no member is entitled to cast any reflection regarding the character or conduct of another member in this House. That is a salutary principle which should always be observed. With regard to the other matter, that is, the allegations which have been made by the member speaking, of course it is a very serious allegation that he has made. It has to be denied or refuted by the other side very strongly, but whether it comes within any point of order or not I do not know. But I must emphasize upon the members that we have got to remember that any kind of allegation in the House affecting or rather referring to a question of moral turpitude should not be indulged in in a light-hearted manner. The moment a member says that a particular motive is there in making a Bill or in presenting a piece of legislation, then we are going beyond the legitimate sphere of our legislation, and that is the reason why according to parliamentary practice any casting of motive is debarred. Unfortunately we have become a bit habituated for imputing such motives. I think it should be the endeavour of all parties concerned not to make personal abuses or reflections which involve questions of moral turpitude. You can criticize as strongly as you like, but when it comes to imputing any motive, you must be on sure ground for you make a very serious charge on the floor of the House. That is one thing which should be kept in mind. Another point to which I should like to draw your attention is that in the third reading of a Bill you cannot take up the same attitude as you took

up at the second reading. I have just been reading May's Parliamentary Practice and Procedure as to what is the scope of the debate in the third reading and I find it is limited to matters contained in the Bill and I also find from the rulings given in the Central Legislature that you cannot convert the third reading into a second reading when you have a wider sphere to talk about. In the circumstances I would request honourable members to remember that their debate should be confined to the limits which I have enunciated. Otherwise, recriminations are bound to occur.

**SJ. CHARU CHANDRA BHANDARI:** মাননীয় স্পীকার মহোদয়, আপনি যে ruling দিলেন তাতে একটা classification চাই। Personality সম্বন্ধে কোন allegation করলে সেটা করা যাবে না। কিন্তু কোন person-এর সম্বন্ধে নাও বলতে পারি। তবে whether in respect of Government as a whole it is applicable. Government এই motive-এ এটা কবেছেন, এটা বলা যায় কি না।

**Mr. SPEAKER:** It is a hypothetical case just now. But I should make it clear to you that the Government as Government has no existence save and except in the personalities. The moment you say that the Government has produced this legislation because it has been bribed by interested parties it is a very serious charge and if a person makes a serious charge the point is whether the sponsors of the legislation are really guilty of this or not. You must, however, understand that I am now treading on a ground which it is not necessary for me now to tread. But these are matters of parliamentary decency and procedure. The moment you charge directly or indirectly any section of the House, whether it is the Government or whether it is the Opposition, to be actuated in their conduct in the House by motives other than pure, you take a serious responsibility upon your shoulders while you are making such a charge. Therefore if you really believe that such things have happened, either you should be prepared to bring in a motion of no-confidence or a motion for a committee of enquiry or some such thing. The only thing is that I cannot absolutely rule out such allegations; but I hope that members in their own wisdom will realise that such serious charges cannot be made by any section of the House against the other section,—charges involving bribery and moral turpitude. You can criticize the policy right and left and as strongly as possible. That is what I believe to be proper. When the point of order is raised on an appropriate occasion as to whether a motive can be cast on the Government I shall decide at that moment. But I cannot give a decision on that hypothetical question now.

**SJ. JYOTI BASU:** I was not surprised at the point of order which the Judicial Minister tried to raise because we have been quite used to such points of order which you have most of the time ruled out as no points of order and I would not be surprised also at the language which he was using whilst he raised the point of order. And his infantile disorder is not a new thing because we have personally known him for a long time. So we shall excuse him and I shall go on with my speech.

As I was saying, I was charging the Government with certain things. Unfortunately you have been reading out to us May's Parliamentary Practice, and you have been talking about a parliament where some sort of democracy exists and where they have built up certain traditions, whether we like them or not but do you think, Sir, that in this country, in West Bengal—

**Mr. SPEAKER:** I shall again remind you that you cannot cast any reflection upon the House as it is.

**SJ. JYOTI BASU:** I am not casting any reflection on the House but on the point which raised, Sir, that when a member brings any charge

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against a Government he must be sure of the charge and you said, Sir, that it is not the usual practice to cast any personal aspersion on anybody. But what I was trying to make out is that unfortunately as far as our Government is concerned, in West Bengal or in India, I think that these parallels do not hold good. If you compare this Government with what is happening in, say, England which we are trying to follow in this country, a parallel cannot be drawn, but the main point is that—

**Mr. SPEAKER:** I wish to point out that all these principles are based on principles of justice, equity and good conscience. They are equally applicable in England as well as in India and we have to develop these traditions if these are not already developed here.

**SJ. JYOTI BASU:** Yes, Sir, that is why even if it is outside the scope of my speech I will just mention it.

**Mr. SPEAKER:** I have not prevented you from going outside the scope of your speech because so long as—

**SJ. JYOTI BASU:** I have understood you. On this point I shall just make a reference that we have been saying in this House that in order to develop proper democratic practice with regard to the Government, not with regard to the House, that we have been telling them that in England when Sir Stafford Cripps was ill he gave up his Ministership and went away, same with Bevin; but, Sir, in our country these things do not happen. They sit at home and take their pay. They do not go to office but take their pay. Such things happen—

**Mr. SPEAKER:** Are you discussing what I have said? Will you kindly come to the third reading?

**SJ. JYOTI BASU:** As I was saying, with regard to the small property owners my main point there was that now that the Bill is going to be passed as an Act, both with regard to the Muslims and with regard to small property owners, unfortunately the Government has no statistics. The Hon'ble Chief Minister told us that with regard to Muslims because there are no statistics, nothing could be done about them for the time being and within four weeks something will be done, but with regard to others as well as with regard to small property owners, to whatever religion they may belong, there were no figures before this Bill was brought, no figures were collected as to what type of people have come over to West Bengal, how many are cultivators, how many are middle class people, how many belong to the other classes, how many are workers, and so on and so forth. That is why, Sir, even at this stage I said that this was a hasty legislation and it was not done with any thought, but even now I think that unless we go into these facts in detail, it will be impossible for us to put the provisions of this Act into operation and I think that even with regard to section 4 on which we have had so much discussion with the Government, instead of just leaving it to the Competent Authority or the Tribunal on appeal to deal with the cases, the first thing that the Government should do is to bring out a booklet or some such thing in writing whereby they will give us all the facts and figures, they will tell us what their intention is, as to how many settlements will remain intact and how many settlements they want to disband. On that they should call a conference of different political parties and groups and refugee organisations and thereafter they should see what can be done with regard to putting the provisions of the Act in operation. Unless this is done and if they think that we have now passed this Bill into Act, so let the law take its own course, I think in that case trouble will start immediately. Therefore, Sir, I mention this.

The second point is with regard to clause 4, with regard to those cases which will now come up both before the Competent Authority and before the Tribunal on appeal. Now, I have not understood, I must confess, even at this last stage as to how these proceedings are going to take and who is to find the money as far as refugees are concerned, the displaced persons are concerned, to deal with their cases. Now, I can quite understand that it may be difficult in certain cases for the Government or for the Competent Authority or for the Tribunal just to disband the settlements, the colonies, because they will come up against certain provisions in clause 4, but I do not understand as to how the displaced persons will find so much fund to go in for this kind of litigation and unfortunately there is no provision in this Bill to provide for every legal facility for these displaced persons. I think trouble will start on that score.

Lastly, Sir, I should again like to make a point which I made yesterday and which I have been trying to make again and again and on which the Hon'ble Chief Minister had once told us and even in a Press Conference he has given us this assurance but this assurance unfortunately has gone to the background for the time being—I do not know why. He has also told us that it is not his intention to disband the colonies, the settlements, which the refugees, the displaced persons, have built up with their own efforts, to see to it as much as possible that these people will stay wherever they are and he said that he was trying to collect facts from the Collector, and so on and so forth, but I do not know what has happened to this fact-finding mission. There is no statement from the Hon'ble Chief Minister on this matter nor from the Hon'ble Rai Harendra Nath Chaudhuri with regard to this point as to what their intention is, because unless the intention of the Government is clear the refugees will certainly be put into difficulty. The Government might turn round and say that "we have accepted certain points which have been raised by certain members of the Opposition". It is true that the Bill is an improvement, specially with regard to clause 4 on what was there in the original Bill as it was placed before us. There are large number of hindrances in getting rid of the refugees from where they have settled, but at the same time I do not accept clause 4. I could not accept it because even now as the amended clause stands, Sir, the refugees will be put into difficulty and many of the colonies might be broken up, many of the settlements might be broken up. Nobody knows as to how they will again build their houses, build their shops, how again they will rehabilitate themselves when they go on to new lands. No provision is there in this Bill. Government might say that the Government of India have already made rules to that effect that they will get certain loans on instalment; but that will not help the refugees. So on all these points which I have raised earlier and I have repeated them today I am not certain that the refugees will be helped. Therefore I have opposed it and even at this last stage I tell the Government that unless they try to work the Act in a humane manner there will be trouble because the refugees are determined that they shall not be refugees once again. Unfortunately whatever this Government do, they do it in a wrong way. Just on the day when this Bill was being brought before the House, they came out with an order of the Police Commissioner of Calcutta banning the use of microphones and loud speakers, and so on: Now, what was the consequence? At that time negotiations were going on between different people on this side of the House and certain Ministers and others on the Government side. The refugees will at once say that there must be something in this order to do with huge demonstrations or meeting that we have been holding in Calcutta. What is the answer? Can you give any answer? The only answer is: it is in order to ban your demonstrations and meetings that the Government promulgated this order. Otherwise,



there was no trouble in West Bengal; there was no trouble in Calcutta; there was no riotous situation in Calcutta; and why was this ban imposed? why was this restriction on democracy all on a sudden?

Secondly, the refugees come and tell us: if the Government is really serious about our rehabilitation, then why is it that they do not come and meet our representatives; why is it that they do not visit our camps, when they bring forward such a Bill before us? Sir, there is not a single Minister sitting over there who tried to visit settlement after settlement together on the spot the facts and figures and study the mind of the refugees. No, they did not and they cannot. Only the Hon'ble Chief Minister met certain representatives in his office. But that is not the way of meeting the popular Ministers. They call themselves people's Ministers but they get annoyed if they bring in charge against them. Why don't they leave their cool chamber? They ought to go out and meet the people, but they do not do such things. Therefore they have become suspects in the eyes of the people of West Bengal. But I am sure, whatever the Ministers might do, whatever certain Congress leaders might do to divide the East Bengal refugees from the West Bengal people, they shall fail because we are here and we shall see to it in a united manner that they get relief. If the lands of the unfortunate people of West Bengal have been occupied in an unauthorised manner, then we shall see to it that the refugees in their own good sense give back those lands to them. I submit, Sir, that they must not operate the law in a blind manner. They should hold a conference and see to it that the lives of the refugees are not disturbed once again.

**Janab MD. KHUDA BUKHSH:** Mr. Speaker, Sir, I shall read a letter that I have received from a widow who has described herself that she is in a riotous situation. There could not be any better or more eloquent commentary on the present Bill. Sir, with your permission I shall read this. "After having waited patiently for more than a year—

**MR. SPEAKER:** Order, please. I wish to point out to the members of the House that there is a very long list of members who wish to take part in the third reading of the Bill. Therefore, I will request them to confine themselves to the main points which they wish to impress upon the House in the third reading. So far as the third reading is concerned, it must be limited to the matters contained in the Bill, and you cannot attempt an entirely second-reading speech now and those details which have been fully thrashed out during the discussion are not generally referred to in the third reading of the Bill. The members may please appreciate that in the third reading there ought to be speeches in a much restricted manner. Moreover, I find that the number of speakers who want to speak is ten, and if I allow all of them to speak at length, then that will take much time of the House. Therefore, I will request the honourable members to confine themselves to the points which can be legitimately raised in the third reading.

**Janab MD. KHUDA BUKHSH:** Sir, I do not want to preface this letter any more. As I proceed reading this letter, you will yourself see, Sir, that this widow had a better appreciation of the proposed enactment of this House than many members of the Assembly. "After having waited patiently for more than a year that Government will redress and give relief from the unauthorised and forcible occupation of my land by refugees the proposed Rehabilitation and Eviction Bill now on the anvil of the Legislature has come to deprive us of our little landed property purchased with our hard-earned money. My property in Tollygunge Netaji Subhas Bose Road forcibly and illegally occupied by refugees in March, 1950, full particulars of which I gave you at the time I interviewed Sri Kalipada

Mookherji is the chief means of my support in my widowhood and reduced condition. If the refugees are given the option to continue to occupy the land by paying periodically or otherwise some compensation what becomes the position of the owner of this land? These refugees will never move an inch from the land they have forcibly occupied and this means that such unauthorised and forcible occupation of landed property will become lawful as it cannot be locked up in godowns or boxes. As reported in the newspaper clause 4 of the Bill seals the fate of the owners of landed properties which have been occupied by refugees when it enacts 'nevertheless..... a displaced person in respect of whom an order under sub-section (3) of section 3 has been made shall not be evicted if he pays such compensation as the Competent Authority may be order determine, payable periodically or otherwise.' Sir, this compensation has today been changed to consideration also and what that consideration will be it is left to the discretion of the Competent Authority. "Under this law in force which landowner can ever evict an unauthorised squatter? Under the safeguards (a) and (b) of this clause the onus of proving before the Competent Authority that the unauthorised and forcible occupiers are really displaced persons. Who can prove this under the present circumstances? And what endless litigation will this entail?"

Sir, this is the crux of the situation: whether under the procedure laid down by Government in the amended form the people who want to seek redress, whether they have the wherewithal, they have the means and the time to produce the necessary evidence which will prove to the Competent Authority his or her claim. Therefore, the persons who have been dispossessed forcibly by the displaced persons from East Bengal, they have no hope, they have no chance under this enactment. Yesterday, Sir, the Hon'ble Chief Minister gave us an assurance that in course of four weeks he will see his way to either amend this Bill in line with the point of view of this side of the House as represented by the Muslims or possibly he will bring in another piece of legislation. The arguments advanced by him were not very comprehensive. If I may use a stronger word I would call it "suspicious". He has said that he has not got the statistics. I do not know, Sir, whether statistics is the *sine qua non* and the condition precedent and essential condition that should precede any legislation. I do not know if he has statistics for the number of East Bengal refugees who would be given relief under this Bill. Even taking it for granted that the Hon'ble Chief Minister must have figures and statistics to proceed with this piece of legislation why is it, may I ask in all humility through you, that he has not got statistics of displaced persons of this province? Why is it that the displaced persons of another province are getting priority over the displaced persons of his own province? Sir, if I may be permitted to remind the Hon'ble Chief Minister, through you, and remind the House and remind ourselves—because time has now come that we should do a little heart-searching and look into ourselves introspectively—I will submit to you that this Eviction Bill was originally designed to acquire the lands occupied by the displaced persons of East Bengal and restore those lands to the owners of West Bengal—whether they are Muslims or Hindus that does not matter, whether they are rich or poor, that does not matter. That was the intention of Government. Sir, I repeat what I said on a previous occasion that Government were bullied and coerced into taking a different course of action than was originally proposed in the Bill. (Interruptions.). (A voice: Coerced!) Sir, the honourable members object to my using the word "coercion", but, Sir, I find no other word and my knowledge of English being very limited, I can only say that Government were bullied and coerced into taking a different line of action than was originally intended or proposed. Sir, I may say here, without

disclosing the source of my information and with a full sense of responsibility that this Bill was originally designed to supplement the Evacuee Property Bill, to give benefit to the dispossessed owners. Sir, you will understand to what limit, to what length this Government was coerced that in spite of the eulogies and praises offered by the Hon'ble the Leader of the House to the amendment moved by my honourable friend Janab Syed Badrudduja—though he liked the approach and the underlying spirit of the amendment—he could not accept that amendment.

**Mr. SPEAKER:** Order, please. Please do not repeat the same arguments that you advanced during the second reading of the Bill.

**Janab MD. KHUDA BUKHSH:** Sir, I have to repeat these arguments because the Hon'ble the Chief Minister after his return from Delhi gave us a most encouraging and assuring statement that he was going to bring another Bill in the course of 4 weeks—he has given the time-limit also upon himself—which will do something to cover these people. Sir, I am not yet convinced that the Hon'ble the Chief Minister will be able to implement his desire since he was unable to accept the amendment suggested by Mr. Badrudduja though he agreed with the spirit of the amendment. Sir, he even declined to sit with us and devise some kind of compromise so that an appropriate amendment can be inserted or incorporated in the body of the Bill which would give protection to these people who are suffering and whose cause he has so much at heart. He told us that he yielded to none in his anxiety to do good to these people who have suffered as they were his own nationals and I also think that he ought to be more concerned about the welfare of these people than about the welfare of those people who have come recently, and in spite of the affidavit and the testimony sworn by them either before the competent authority or before others there is no guarantee, Sir, that they will continue to remain and will not go back to the place from where they came. Sir, through you I ask the Relief and Rehabilitation Minister, in this case he happens to be the Chief Minister also, how many people have signified their intention categorically to stay in this country where they have taken loans and other kinds of relief from this Government and that they will not turn their back to this province and go back from where they came. But these people who were tortured by the hooligans who were set upon them fled from their own household, from their own lands, but they did not leave their own country, they stayed in West Bengal, they did not go to the other country and therefore you should be solicitous of their welfare. Sir, how much better treatment they should receive from our hands. Sir, I am surprised and I am disappointed to find that they have not been shown the consideration they deserve. Sir, this delayed assurance has come from the Hon'ble the Leader of the House that within 4 weeks he will bring in another Bill. But, Sir, four weeks' time is rather a longer period. If he had said that he would bring in a Bill within four days, much of the misapprehension or fear or apprehension that has been raised in the minds of these people would have been allayed. I know, Sir, he is working under limitation and had to yield to a section of the people interested in the welfare of the refugees from across the border and who are not interested, in spite of their lip-service to the displaced Muslims in this country,—in the rehabilitation of these Muslims,—otherwise along with their demand for the welfare and rehabilitation of the refugees they would have put forward side by side the claims of these displaced Muslims. Not only they did not do this but whatever was done they obstructed the rehabilitation of these Muslims and that is the irony of the situation, Sir. They have stampeded the Government into finishing this Bill and the Government has yielded to this stampeding process and coercion.

**SJ. SIBNATH BANERJEE:** Mr. Speaker, Sir, I shall do an unusual thing today. I shall congratulate the Government and specially the Hon'ble the Chief Minister but at the same time I congratulate the Refugee Eviction Resistance Committee more, because it is due to their grit determination, their organisation that they have been able to change to some extent the vicious Bill as it was originally drafted. Sir, Government also thought it fit to yield to some extent to their pressure. Of course the Government having the majority behind them could pass the Bill as originally drafted without changing a comma or a semicolon, but they have chosen not to do so and these are small mercies and we are grateful to Government for having shown such mercies.

Sir, as the Bill emerged as a result of negotiations and compromises, there are some defects in the Bill as there was not enough time to negotiate on all points, though it must also be admitted that it has improved a bit as a result of this compromise. Sir, I shall not take much time of the House but I shall only enumerate a few of the points that need be amended, it cannot be amended today, but I hope that Government will reconsider the position and at least try to find out whether at the time of its actual working some improvements are not possible. One point is—as has already been mentioned by Comrade Jyoti Basu that the refugee colonies have not been recognised. That was one of the insistent demands of the refugees. Those who formed them demanded more than anything else that these colonies situated in the different places should be recognised. These refugees when they lived in East Bengal had their own environments, their friends, relations and after having come here they formed new group of persons; some sort of friendship and relationship have grown among them and they do not want that they should again be disbanded. Of course they should be given lands, convenient and suitable for their occupation and dwelling, but there is also another aspect of it—the social life. They have built up a social life and they do not want to be dislodged from these places. This aspect of the matter has not been mentioned in the Bill and I want to emphasise that point on the Government that they should not try to break up the colonies but recognise them and allow them to live there as they have built up the colonies.

Secondly, as I said yesterday, I should like to repeat about the amount of consideration or compensation and the premium. There is no basis for that. There must be some basis. Otherwise if it is 51, 52, or 53-11, then most of the people will be forced to leave the land to which they will be entitled to remain because they would not be able to pay the compensation, and even if it be 30 years' instalments I am afraid they will not be able to pay after two or three instalments. As regards the price I think the reasonable basis would be 1946 price level. Some of my friends have said that it should be 1939 price level. Sir, the exodus started from about 1st October, 1946. Therefore the price obtaining at that time should be the price to be considered in calculating the premium or consideration money. Another point that I wanted to raise by way of amendment which, however, fell through is that a displaced person should be entitled to move the Competent Authority. Now it is the owner of the land who can move the Competent Authority or it is the Government who on its own motion can do so but, the person most vitally concerned has not been given the right to move the Competent Authority. It is a lapse on the part of the framers of the Bill. The power or the right to move the Competent Authority must be given to the displaced person. As it is at present he has none. So the Government would have to take the initiative and Government would have to move whenever the interest of the displaced person is affected. And Government should move the Competent Authority so that the displaced person may have some assurance. Most of the owners

may not have any motive or design in this matter but there may be some designing owners who may think that in the meantime they may either sell the land or do something else or exert pressure to oust the displaced person for they are not interested in settling the issue with the displaced person. Therefore that lacuna is there and that can be obviated only if Government moves and moves quickly. But Government will move on its own motion as and when it pleases. But if the displaced person was given the authority the difficulty would have been minimised. But Government have not chosen to do that, and why, I do not know. But it is obviously a wrong thing for the Government to do that. This Bill is primarily intended for the benefit of the displaced person and yet they are not able to move the Competent Authority, and that is, Sir, really an absurd position.

Sir, I shall now refer to two other points that have been discussed very bitterly yesterday and today also and that concerns the persons who have been displaced in this country, persons who are citizens of this country and who did not run away from this country. For them nothing has been done. Of course there has been some misunderstandings in the minds of some of my Muslim friends here, and they have therefore said many unkind things that their cases are not being taken into consideration and things like that. As there is no provision for them in the Bill and until some such provision is made in the Bill they in their frustration and anger may say many unkind words and that must be tolerated. It is quite obvious, as the Chief Minister said yesterday, "it should be our primary consideration that the citizens who have been so affected should be given the first priority". But that could not be done. Under the Nehru-Liaquat Ali Pact the first priority has been given to those who have come back from Pakistan. So the man who went away to Pakistan has been induced to come back. It was necessary to stop the exodus so that it may not give a start to exodus in the reverse direction. But at the same time those who have been displaced in this country are still suffering for want of a hearth and home and for them very little has been done during this one year. Persons who had to leave their home last year for fear of life and were discharged from their jobs in the jute mills have not yet got back their permanent jobs. Persons who were displaced from their homes last year and who have been living in a wretched condition in Metiaburuz, Park Circus and other areas have not yet been restored to their own homes. Dr. Roy has said that something should be done for them. But I do not feel that the explanation offered is a very convincing one. It has been said that for want of statistics nothing definite could be done. That, Sir, I do not think is a sound reason for not doing anything for those unfortunate people. Sir, after the recent census operation I think the Chief Minister might be in a position to estimate their approximate number. As regards the nature of the tenure of their lands, all such information might not be in the possession of the Government. But when that did not prevent the Government to bring in Bills of this kind, I think that would not be a stumbling block to the Government in bringing some measure of relief to those unfortunate people who have been suffering for want of home, which they once had, for about a year now, and to whom no relief has been given. We refused to hear some of the Opposition members who wanted to discuss that question. When some of my friends wanted an assurance for them, that assurance was given, but after that the attitude was not one of co-operation. I could neither understand nor appreciate that. I was expecting from the Chief Minister a more tactical approach to that problem, as he has done in the case of refugee rehabilitation. With one section he has discussed the question many times and has made substantial concessions. He could very well have done that with the other section, and that would

have enhanced his prestige and then it would not be said that he was surrendering himself to the pressure of outside agitation or anything like that. But unfortunately because he wanted to finish with this Bill that could not be done and he refused to sit with the Opposition members who wanted to suggest a remedy. To hear such suggestions would have been a very proper and diplomatic approach to the problem but he could not rise to the occasion.

Then, Sir, I should like to say that the name of the Bill has been changed from eviction to rehabilitation and about rehabilitation I wish to say something. The only rehabilitation that is thought of and contemplated in the Bill is that the displaced person is allowed to stay where he is at present on payment of consideration or premium or whatever it may be. But beyond that for his livelihood, for his job there is nothing mentioned in this Bill. But no rehabilitation is at all complete unless and until he is given land to cultivate or some work to do to earn his livelihood and therefore as regards that aspect of the question there is a serious omission in the Bill. Of course we can realise why it is so. Originally it was meant for eviction and then it has been renamed rehabilitation with the very limited objective of giving him some *bustee* or land to dwell in. But that that is not rehabilitation must be clear to every one in this House. The question of rehabilitation I shall not deal with today—might be, on some other occasion, either in this House or outside I shall discuss it with the Government. But the amount that is given for rehabilitation Rs. 500/500 is too meagre. With that nobody can be rehabilitated either for construction of the house or for business. Rs. 500/500 is a very small sum. I am bringing in this because the name has been changed from eviction to rehabilitation.

Sir, I would like to say only one thing about the Evacuee Bill that was passed before. The principle that has been accepted in the present Bill is that a man is not to be evicted unless he is found dwelling on land convenient to him. But in that Bill which has been passed this can be done and done by force. Our objection notwithstanding, it has been passed. I think Government must have thought—

**MR. SPEAKER:** We are not discussing that Bill.

**SJ. SIBNATH BANERJEE:** Sir, I am making a request.

**MR. SPEAKER:** But how can you make a request about a matter which is not before the House?

**SJ. SIBNATH BANERJEE:** It is the same principle involved—that is what I am saying. I hope Government will reconsider the position and apply the same principle which they will be tactful enough or good enough or generous enough to accept as far as displaced persons from East Bengal are concerned.

Sir, lastly, I would say, please expedite. The Bill is going to be passed, but let it not be like the Bargadar Act which was passed but not implemented in spite of repeated requests. In most parts of Bengal the Bargadar Act is not in operation. I can understand there was some tussle between two personalities, two groups or two parties at some place, but, as regards the rest of the place where a Socialist has not gone, it has not been implemented. So, this Act should be implemented. A competent authority should be formed quickly by the Government on its own motion because the refugees are precluded from moving in this matter. Government should move immediately. Statistics should not be the deciding factor, but the number must be very large. They must be rehabilitated in the limited sense in which it is mentioned in the Bill so that they may have

some assurance that they will not be thrown away tomorrow, so that they may improve their dwellings and make other improvements and can live with some assurance in the land where they are living. Therefore, expedition—quick movement—by the Government both in the formation of the competent authority and also for moving of its own motion is essential. Now, one competent authority naturally cannot deal with so many cases. Therefore, there should be not one competent authority but more—one at least in each thana or in areas where at least, say, 5,000 displaced persons are living. So a large number of competent authorities should be appointed and facilities should be given and made available by the Government so that those who are living in this uncertain condition may have some assurance.

**Janab MUDASSIR HOSSAIN:** Srijut Speaker Mahoday, Sir, I congratulate most heartily and most sincerely our Leader the Hon'ble Chief Minister for his brilliant speech which he delivered on clause 4 of this Bill. I also congratulate him for the very successful manner in which he piloted this problem Bill in this Assembly. Sir, though I congratulate him, I cannot forget that it is a black Bill—just like the Rowlatt Bill—which was passed. Sir, I shall presently show—

**Mr. SPEAKER:** What have you said? Have you said, the Bill is a black Bill?

**Janab MUDASSIR HOSSAIN:** Yes, Sir.

**Mr. SPEAKER:** But you have passed it—you cannot say that.

**Janab MUDASSIR HOSSAIN:** If you object, I withdraw it. But this language was used in this very Assembly by various classes of persons, but no objection was taken. But, Sir, that does not mean that I find fault with anybody or with the Minister who piloted the Bill. The provision itself is bad because, Sir, in article 14 of the Constitution of India, it is said: The State shall not deny to any person equality before the law or equal protection of the law within the territory of India. Sir, I beg to submit that this is a law which has denied equality of right to citizens of India. Sir, the gentlemen who have come down here from one region—from East Pakistan—are displaced persons and you have made provision for them. But for the other persons who are still in their homeland, in their motherland, and who are citizens of India—*bona fide* citizens of India—no provision has been made in this Bill. Though our Hon'ble Chief Minister has suggested and has assured us that their cases will be taken into consideration, I beg to ask, why their circumstances were not taken into consideration at the time when this Bill also was going to be framed. This is a defect which I cannot forget and in rehabilitating the refugees from the other State, you make others who are your own people, who are your own kith and kin, who are your own citizens, homeless and who are wandering like vagabonds. You say that you will rehabilitate these persons on their lands, in their houses, but this is a denial of right which can never by any stroke of imagination, by any argument, by any sophistry, be defended. This is one defect of this Bill.

Then, Sir, I shall say that this is a hasty Bill which brooks no scrutiny. Sir, in this connection, I shall read from your book—"Decisions of Speakers"—at page 161: "The fundamental principle, almost interwoven everywhere with the basic framework of any constitution is that the law-making power of the Legislature has always to be exercised with due caution and scrutiny and legislation always involves a lengthy process of procedure. For a Legislature is the highest expression of the will of the sovereign: it can overthrow even the fundamental principles and in

every country continually infringes on the rights of the citizens as embodied in the existing laws of the land. Once a Bill is therefore in a particular form before the Legislature, it is a salutary principle that there is no intention to make any alteration in the laws beyond what is explicitly declared, either in express terms or by clear implication. In other words, a Bill must for the time stand by its immediate scope and object and all other matters outside these limits must remain undisturbed until fresh proposals are brought up in the form of a new Bill. A Bill has therefore to be kept within limits of its scope of its objects and reasons and must not disturb the other existing laws beyond what its scope requires. Any departure from this principle may throw the entire body of laws into sudden jeopardy—and this law has thrown the entire body of laws into sudden jeopardy and there is hardly any line of demarcation between legislative expression in a parliamentary democracy and the arbitrary will of a tyrannical sovereign. This is the difference—arbitrary tyrannical will or legislative expression of a sovereign.

Sir, if you go through the provisions of this Bill and through the original Bill and the form in which it has come out, it will convince you, Sir, that it was hardly the legislative expression in a parliamentary democracy, but it is the arbitrary will of a tyrannical sovereign. Sir, this is so much for the contents of the Bill.

Then, Sir, I shall go to a new point where the Bill defeats its own object, because, Sir, as you know a summary procedure has been laid down for the purpose of getting possession of property and for the purpose of rehabilitating the so-called refugees on the same property. This means that the ordinary law of the land is in jeopardy. Under the ordinary law of the land every squatter, every intruder, every aggressor, every trespasser should be thrown out of the land without any compensation. But this so-called law is, as I said before, only the arbitrary will of a tyrannical sovereign. The whole land system has been put in jeopardy. Therefore I say, Sir, that this Bill violates the fundamental principle on which jurisprudence is based, on which legal right is based.

Then, Sir, I come to the security of private property. In the noble Constitution of India—(blue light). Sir, I want three minutes more. I am not going to abuse anybody or name anybody. I am only addressing the Chair. As I was saying, Sir, this Bill will frustrate and defeat its own object, because I mean to say that a resentment and a thought of anger will arise. That the ordinary canons of land system have been violated will give rise to serious complications in the mind of the people of West Bengal whose rights have been invaded. Among the affected persons, the aggrieved persons there will be many who, I am sure, will not come before your competent authority to take possession of their properties and place their rights to possession in the hands of the so-called competent authority. They will go to the civil court; they will go to the High Court, and there you will find that justice and the rehabilitation of the so-called refugees will be kept down. There will be another council of registered refugees whose rights have to be defended, and they will also take direct action. There will be complication; there will be a breach of the peace; there will be a lot of suits. There are the people of West Bengal on one side and the poor so-called refugees on the other side; and a pandemonium or hell will be let loose and created I warn you. I warn the Government that disaster is coming, and this will give rise to communism.

Another point and I have finished—

**Mr. SPEAKER:** Will you finish your speech in two minutes?



**Janab MUDASSIR HOSSAIN:** All right, Sir. When the name of "Musalman" is uttered, it serves as a red rag to a bull. Have not the Musalmans been displaced because they are Musalmans, because the fight was between Hindus and Musalmans? The Muslims were driven out because they were Muslims. The Hindus might also have suffered at the hands of the Muslims, but why should the suffering Muslims who have lost their properties, who have lost their hearths and homes, be victimized simply because they are Muslims? Whenever the name of Muslim is uttered, it serves as a red rag to a bull.

Sir, whenever the minority question is brought up we are told that we have a Minister. We have every faith in Chief Minister, but we have no faith in the Minority Minister. He says: "Every provision has been made for you". He says so because he has been appointed for that purpose and for doing nothing. Whenever a question of hardship is brought up, he comes and says: "You are to suffer for all the sins of your forefathers like Adam".

Sir, I hope and pray, as our Chief Minister has assured us, that he will look into the question of the Muslims in the next Bill. The name of the Bill should be Resettlement of Muslims and others.

(At this stage the member reached the time-limit.)

Sir, the performances of this Government remind me of an Urdu adage which runs thus—

سات سو چوہا کھا کر بلی حج کو چلی

Do you know what it means? It means that after devouring 700 mice the cat went on a pilgrimage. So is the case with this Government.

**Janab Syed BADRUDDUJA:** Mr. Speaker, Sir, I was not inclined to intervene at this stage but for certain observations made yesterday by my honourable friends on both sides of this House. Sir, in season and out of season members of the Treasury Benches drag in Pakistan, raise the question of the two-nation theory to which unfortunately for lack of political wisdom and sagacity they have succumbed, rake up unpleasant associations of the past which serve only to cloud the perspective all the more. I could never expect that a seasoned parliamentarian like Mr. J. C. Gupta could climb down for a special pleading of this Government against whom he had made categorical charges sometime back—charges which the Prime Minister of India went through very closely and found some of them quite in order. I do not know the reason that has prompted him to climb down so much as also to attribute motives to us. He is one of those who will perhaps bear me out when I say that consideration of humanity apply in this State only when the citizens of East Bengal are concerned and not when the citizens of West Bengal are concerned. Never for a single moment in our discussion whether in this House or outside we grudged anything to the East Bengal refugees. They are none other than the blood of our blood, bone of our bone, flesh of our flesh. Unfortunately they were cut off from their real moorings of life and for a time they were drifting searching for a safe anchorage somewhere. All that we wanted to impress upon this House and the people outside was that the East Bengal refugees should on no account be allowed to continue in unauthorised occupation of the lands or houses of the displaced persons of this State. No unjust usurpation or occupation of such lands or houses could have been tolerated by any civilized Government or by any sensible man whether on this side or the other. Of course Government finds it difficult when they have got to reconcile the divergent claims and conflicting interests of two classes of people and ultimately this Government has yielded to the other side.

preferring to satisfy the claims of the non-citizens against the citizens of this State. I have very great misgivings on account of such action of this Government. I am not a legal expert and my legal knowledge is limited. My friend Mr. J. C. Gupta with his greater experience and greater knowledge of law will please enlighten me on this point whether "a public purpose" can be so defined as to include rehabilitation of those persons who are not the real citizens of this State, as they have come away from another State and another country, at the expense of the citizens of this State many of whom have been displaced and dispossessed of their lands and houses in this State which have been unlawfully occupied and are being enjoyed by the other class of persons, namely, refugees from East Pakistan. Government is competent to utilise any land, to acquire any land. That is a different thing. I am referring to the definition only. I say from certain papers that I have got, how the acquisitions are being effected in this State. That section for acquisition in the proposed Bill is a dangerous section inasmuch as that section can be utilised even when the lands which are being unjustly, unfairly and unlawfully occupied by the refugees from Eastern Pakistan may be acquired for the purpose of the refugees themselves. Where is the guarantee against that unjust acquisition? Where is the guarantee for the unfortunate displaced citizens of this State, Muslims, Hindus and others?

Sir, referring to sanctity of private property my friend Sri Jyoti Basu remarked that he attached greater importance to sanctity of life. To him apparently sanctity of life means sanctity of life only of those people who have come from across the border and not sanctity of life of people of this State who are today wandering about being driven out of their home and hearth by force of circumstances. To us sanctity of human life is most precious be it of Muslims, Hindus or others. We appreciate and we realize that sanctity of human life and sanctity of human property cannot be trifled with. But we are not here to discuss the niceties of jurisprudence or ethics; we are not here to discuss the niceties of law. Ours is a simple proposition. It is clear, definite and categorical. It is this that on no account illegal use and unauthorised occupation of the land that belongs to the people of West Bengal, Hindus, Muslims and others, should be tolerated by any civilized administration. Of course the Hon'ble the Chief Minister at the far end of the day has assured us that he is bringing forward another Bill. It was not possible for the Chief Minister of this Province, in spite of the appeals, in spite of the entreaties, in spite of the solicitations, in spite of the representations from this side, including that from Mr. Jyoti Basu, who was reasonable towards the end to introduce one single amendment in this Bill to solve the problem of rehabilitation of the displaced persons of this State. In spite of the fact that the Chief Minister of this Province contacted the Hon'ble the Prime Minister of India and the Rehabilitation Minister at the Centre who as he says, would look upon the Muslim nationals of India in the same way as they would look upon the other nationals of India, it was not possible for him to do anything for the displaced persons of this State here and now. At least political wisdom demanded it, at least common sense, at least a sense of decorum, a sense of decency, a sense of solicitude for the welfare of the citizens of this State who had been tortured, with all sorts of cruelty perpetrated upon them, displaced in their own homeland, from their own home and hearth, dispossessed of everything they had, should have prompted and inspired the Chief Minister of this Province to rise to the height of the occasion. He should have extended his hand of brotherhood, hand of fellowship, hand of sympathy, co-operation and support to the cause of the poor unfortunate citizens of this State. Perhaps the agitation of the other side was too strong for him to resist and therefore he succumbed to their demands to the exclusion of the interests and demands of the displaced citizens of this

State. I stress and emphasize it over and over again that the Chief Minister of this State and his Government have been stampeded into submitting to the dictates of the agitators outside. It was not possible for him to do otherwise.

Sir, I was referring to the acquisition of lands. My friend Sri Sibnath Banerjee contradicted the allegations contained in the letter that I read out yesterday repudiating the charge that certain exploiters in Madhyamgram were utilising the situation caused by the influx of refugees and were playing with the lives of the refugees, using the refugees as pawns in their political chessboard for their self-aggrandisement, for the gratification of their own relatives. He contradicted this report and said that this was not a fact. I may ask the Chief Minister to constitute an enquiry committee composed of responsible members from this side or from the Government side with the Chief Minister himself presiding over such a committee to go into this matter and to find out the truth of the allegations contained in the letter that I read out the other day. (Sri SIBNATH BANERJEE: I accept the challenge and I request Syed Badrudduja to come with me. Let us go together there and see things for ourselves. No enquiry committee is necessary.) I respond to your request. I would just refer to these cases of land acquisition—L.D. 88 of 1950, dated 13th July, 1950; L.D. 130 of 1950, dated 16th November, 1950, and L.D. 160 of 1950, dated 19th January, 1951. The Relief Department has been by instalments notifying in the *Calcutta Gazette* acquisition about the illegal and forcible occupation of lands by the so-called refugees though there are waste and fallow lands in the interior. It is interesting to note that before any actual acquisition of land by the Government, many huts and even a few big houses have been built up on the forcibly occupied lands with the help of the local authorities in anticipation of acquisition orders from the Government on their behalf and about which they are dead sure. Is this "attachment before judgment" as the Land Development and Planning Act aims at acquisition of fallow and waste lands? This Committee with the active co-operation of the then Subdivisional Officer, Circle Officer and police officers of Barasat did drive out the actual occupiers, the actual inhabitants by their acts of devastation after forcible occupation as mentioned above and then the Relief and Rehabilitation Department came to their rescue and gazetted schemes by instalments for acquisition under the Land Development and Planning Act. The enthusiasm of the Relief and Rehabilitation Department is manifest from the overlapping to be seen in their different schemes. The same plot of land is seen being gazetted in all the schemes. Orchards, homestead lands, agricultural lands and even graveyards have been included in the scheme. It is not known how many other schemes to squeeze out the local inhabitants are in the offing. Really the inhabitants of that place were ousted and squeezed out of their own lands. They were thrown out of their home and hearth and that was done in collusion with the Land Acquisition Officers. Slowly and slowly the land acquisition process came into operation and scheme after scheme was taken in hand to oust them. Sir, I have grave doubts about the provisions that have been made in section 4 of this Bill. Section 4(2) says that the State Government, on the application of the owner of any land or of its own motion, may, if it thinks fit so to do, acquire any land or any part thereof for a public purpose. Such acquisition shall be made under the provisions of the Land Acquisition Act, 1894. Then, Sir, I have also grave doubts about the provisions made in section 5. As I have already said, it refers to the West Bengal Land Development and Planning Act of 1948,—an Act the validity of which was questioned because it was in a manner hostile to—

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** That has been omitted altogether.

**Janab Syed BADRUDDUJA:** Whatever that might be, we, Muslims and Hindus of West Bengal, demand that we shall allow no section or no clause to remain in the Bill which will militate against the genuine interests of the citizens of this State. Let it not be misunderstood for a moment that we do in any way want to go against the genuine interests of the citizens of any other State, but the interests of the citizens of the State of West Bengal are much more grave, much more serious and much more sacred than the interests of any other people who came from across the border and unjustly occupied the lands of the citizens of this State. Poor Muslims and Hindus whose orchards, homestead lands, paddy fields, gardens, and other properties have been looted and plundered, devastated and destroyed, who have been robbed of their possessions demand that their lands and houses must be restored to them. And the Government of West Bengal headed by its Chief Minister has been indulging in assurances, in platitudes and in things which, they knew quite well, are never going to materialise. I wish to bring to your notice, Sir, that it has been made quite clear by the fact that not a single amendment from this side of the House has been accepted by the Government. Even if my amendment was not accepted, at any rate, the amendment of S<sup>r</sup> Charu Chandra Bhandari, which was quite innocent and which might have well fitted in with the structure of the Bill, and with which this section of the House would have been satisfied, could have been accepted and then there would not have been any bitterness between West Bengal citizens and East Bengal refugees. That would have been a humane approach to the problem and the real representatives of the Muslims might have been satisfied. It appears now from the attitude of the Government, from the approach of the Government that the real problem is that not till extinction of the Muslims, according to Sri J. C. Gupta who has referred to the two-nation theory, not till extermination of the Muslims by their political, social, cultural and economic effacement Government will be satisfied. (At this stage the member reached his time-limit.) Sir, I have spoken only for ten minutes. May I continue till the recess, Sir?

**Mr. SPEAKER:** I have got a long list of speakers. You are now speaking on section 4 on which you have already spoken much. However, I give you two minutes more to conclude your speech.

**Janab Syed BADRUDDUJA:** Sir, so long as there is no complete extinction of Mussalmans of India, so long as there is no political, cultural, moral and social effacement of the Mussalmans of India, so long as the Muslims are not merged into the bigger current or are somehow or other paralysed, demoralised, denationalised and dehumanised, not till then my friend, S<sup>r</sup> J. C. Gupta will be satisfied. But I can tell him that the Mussalmans are fast realising their position. Whatever misfortunes and privations, trials and tribulations, vicissitudes and difficulties may be in store for them, they will stand up for their rights. No body will be able to suppress their legitimate demands for all time. No Government will be able to ride rough-shod over all considerations of justice, fairplay, equity and good sense. No Government, no administration, has any right to curtail the liberty, to deprive the Mussalmans of India of their just demands.

With these few words, Sir, I once again appeal to the Government, if the Government still have any sense left in them, if the Government do not want to exterminate Muslims, if the Government do not want to sacrifice the Mussalmans, if the Government do not want to reduce them to the position of serfs, to the position of hewers of wood and drawers of water, if the Government is alive to its sense of responsibility, to the gravity of the situation and is capable of a humane and rational approach to the problem, to concede to the just demands of the Mussalmans of the

State to get them back their lands and their home and hearth. On the other side in East Bengal at any rate our Hindu brethren present an united front against grievances real or imaginary and are regaining the position of the minority. But here today we Mussalmans find that every attempt is being made at this juncture to pass measures which will only succeed in driving away the Mussalmans of India from their homeland. And this attempt has succeeded so much that it has created such a demoralisation that even some of the responsible Muslims representatives in the Legislature have been cowed down, intimidated and forced into submission. They have bartered away the immediate Jewel of their soul for a mess of pottage. What I feel is that our position now is very insecure. I feel that this Bill is once again an affront to the Mussalmans: I feel that it is a fraud on the Constitution of India: I feel that it is a violation of the very spirit of the fundamental rights conferred on the citizens of India. (At this stage the member again reached his time-limit.) I hope, Sir, you will allow me to finish my speech. It is a very important measure affecting our rights and even our existence.

**Mr. SPEAKER:** Mr. Badrudduja, you are now speaking on the third reading of the Bill but the very same thing is being repeated by you over and over again that you said in the course of its second reading. I have noticed that you had already said what you are now saying.

**Janab Syed BADRUDDUJA:** Sir, you have allowed Mr. Jyoti Basu to speak for forty-five minutes, and if you now stop me in the midst of my speech which has lasted only for about fifteen minutes, you will be gagging me, Sir.

**Mr. SPEAKER:** I have got a list of ten more persons who want to speak, and in that case how can I give you more time?

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** Sir, is any member entitled to say that the Speaker has gagged him?

**Mr. SPEAKER:** No, he cannot.

**Janab Syed BADRUDDUJA:** If that is a reflection on the Chair, Sir, I withdraw. But I feel like that.

**Janab HUSAN ARA BEGUM:** Sir, I have been listening to the debate on this Bill from the very beginning and I have heard so much for and against the Bill that I do not intend to say much.

Sir, when this Bill was first introduced into the House I entertained great hopes that this Bill will confer a great benefit to the Mussalman citizens of India and that it will be quite in accordance with the principle of the Nehru-Liaquat Ali Pact. After that pact was signed the Mussalmans had entertained great hopes and the majority of them had stayed back in India. But they had a consolation that, after all, they had something for their protection.

Sir, I will just speak a few words as the time is very short and I would only like to give my opinion that the amendment of Syed Badrudduja to which support was given by Mr. Khuda Bukhsh has been unfortunately lost and for which, as far as I am concerned, this Bill will not lessen the sufferings of those Muslims who are undergoing them in Calcutta and in West Bengal. We have no grudge against the refugees of Eastern Pakistan—they are welcome.

**Mr. SPEAKER:** Kindly resume your speech after the recess.

(The House was then adjourned for 15 minutes.)

(After adjournment.)

**Janab HUSAN ARA BECUM:** Mr. Speaker, Sir, in a few moments this Bill will become law. I am sure that the description given by the members regarding the displaced Muslims of West Bengal will appeal to the Government. The Hon'ble Chief Minister has promised that he will bring in a Bill for them, but that will take some time. In the meantime, I do not know what will be the result of this Bill. However, I am thankful to Sj. Charu Chandra Bhandari, Sj. Haripada Chatterji and Sj. Jyoti Basu for thinking of these displaced Muslims. Although the amendments of my honourable friends have been lost, I do not give up hope and I hope that even now Government will have some consideration for the feelings of the people who are citizens of India—specially of West Bengal.

Sir, this Bill for the eviction of unauthorised persons has been prolonged, but, as I have said, the result has not been what we had expected. My honourable friends have thrown much light on this. So, I should only be brief and I appeal to the Government in the name of humanity, in the name of all that is good, to take into account the condition of the poor Muslims who are even now knocking about in India. Their condition in last March and April nearly all the members of the House are aware of. The Muslims—excuse me for mentioning the name “Muslims”—but, after all, a spade should be called a spade, the Muslims are the largest minority of India. All of them, I should say, have not gone over to Pakistan during the last disturbance. I would not dilate on the circumstances, on the position of those people who are crammed together—I think, animals have more space and better living condition than the people who were crammed together last year in the Park Circus area—they are even now. They were many thousands in number which, I suppose, the Hon'ble Speaker would not like me to mention. But still many of them went away to Pakistan and the majority of them went to Bihar and other parts of India or stayed in Calcutta. Even now, in my own area there are many of them who are roaming about, knocking about—poor women and children hardly fed with no clothes on their body coming to me as an humble worker for the uplift of my Muslim brethren. But, I am sorry to say that I am helpless to afford them the relief that I should give to them.

Sir, I do not want to say anything, because the pleadings that have been made to the Government have been of no avail. May I mention again the Muslims are beggars before their own doors? India has achieved independence not by the blood of the Hindus alone but of the Muslims too. The names of those who have passed away—Maulana Muhammad Ali and Saikat Ali and others—will live for ever. They worked for the country and were colleagues of Mahatma Gandhi, who once stood for the truth, and for the unfortunate poor and unprotected people he gave his life. As a result of the part they played we have achieved independence. India is a country which is not dominated by one religious sect only—Muslims, Hindus, Jains or Buddhists or Christians. All of them are the children of mother India. But unfortunately the Muslims are standing today as beggars, as I have said before, before their own doors. I do not think there is any time for reconsideration of the Bill. The Hon'ble Chief Minister has promised to bring in an amendment, but the House is adjourning and that will be too far. Sir, I am thankful to the Hon'ble Chief Minister for the help he gave me when I approached him last year. Whenever I approached him he had given me help in many ways—in military aid and in other manner. So I am grateful, I am thankful to him. But the hopes which were extended to us by the Evacuee Property Bill have now been dashed to the ground. Sir, in a few words I again appeal to the Government to take the interests of the Muslim women and children

into consideration. During Mahatma Gandhi's Dandi March it was the women and children who were put into the forefront and it was they who had made the march of Mahatmaji successful. So I appeal in the name of the distressed women and children of India who have been knocking about from door to door that Government should do something for them. If proof is needed, I am ready to give the proof of their miserable conditions. I hope that Government will take their conditions into consideration and do something for redressing their difficulties.

**Janab A. M. A. ZAMAN :** Mr. Speaker, Sir, আমি মনে করেছিলাম যে, আমার কিছু বলার দরকার হবে না। বিলটা বেশ সুশ্রবভাবে এসেছে, কিন্তু তার মধ্যে এমন কতকগুলি জিনিষ এমনভাবে ফুটে উঠেছে যে সেগুলি একটু clear না করলে একটু গোলমাল হতে পারে। এখানে আজকে সবচেয়ে বেশী গোলমাল করেছেন Comrade Jyoti Basu। উনি কোথা থেকে এই সমস্ত খুঁজে পেয়েছেন জানি না। যদি কারও বিরুদ্ধে বলতে হয় তাহ'লে তার বিরুদ্ধে কিছু সত্য মিথ্যা না বললে হয় না। এই হেতু তিনি বলেছেন যেহেতু তারা বড়লোক সেই হেতু তারা দুঃখ পায়।

**SJ. JYOTI BASU :** বড়লোকইত' দুঃখ পায়।

**Janab A. M. A. ZAMAN :** কিন্তু উনার একটা চিন্তা কথা দরকার ছিল যে উনি কোন লাইনে বলবেন। বাংলা দেশে একটা ছোট গল্প আছে, সেটা না ব'লে পারছি না। ওরা কোন লাইনে যাবেন। বর্তমানে বাংলাদেশে যা করা হয় সে সম্বন্ধে আমি একটা ছোট গল্প না ব'লে পারছি না। এদেশে একটা কানা রাজা ছিলেন। রাজার কাছে একবার নালিস এল যে, একটা অত্যাচারী মোঘ এসে বাজার ফসল নষ্ট করে দিচ্ছে মোঘটাকে মারতে হবে। রাজা মোঘা কনলেন—যে মোঘটা মারতে পাবে তাকে ধনসম্পদ দেওয়া হবে, তাব সঙ্গে যেমণ্ডে সেওয়া হবে। এর মধ্যে একটা condition ছিল যে, মোঘটা মারার পবে সেটা এনে দেখাতে হবে। একজন সাহসী লোক এগিয়ে এল এবং মোঘটাকে মারল। মোঘটা মারার পবে সে ডাবল এত বড় মোঘটা নেব কি করে? আগে গিয়ে খবরটা দিই। সে রাজা দিয়ে একজন ধূর্ত চালাক লোক যাচিল। সে মোঘটার কান দুটো কেটে নিয়ে রাজার সামনে হাজির হ'ল। যে মোঘটা মেরেছিল সে যখন বাজাকে বলছিল, “আমি মোঘ মেরে এসেছি”, সেই মুহূর্তে সেই চতুর লোকটি হাজির হয়ে বলে, “বাজামশাই, মোঘ আর কেউ নাবেনি, মেরেছি আমি এবং মেরে কান দুটো নিয়ে এসেছি”। কাণা রাজা চোখে ত' কিছু দেখতে পান না, তিনি ভাবলেন সত্যই তো যে কাণ কেটে এনেছে সেই মেরেছে। তাব ফলে আসলে যে লোকটা মোঘ মেরেছিল সে কিছু পেল না, পেল সেই চতুর লোকটা। আজ বাংলাদেশের লোকের অবস্থাও ঠিক সেই কাণা বাজার মত। তাদের যেন ভেবে দেখবার কিছু নাই, চিন্তা করার নাই। সেই জন্য এই যে বিলটা সবক'ব এনেছেন সেটাকে ইচ্ছামত ভুল বোঝান হচ্ছে। এই বিলের মধ্যে যা আছে তাতে refugeeদের ভালই হবে। কিন্তু একদল লোক আছে যাদের কোন বিষয়ে কিছু চিন্তা করার নাই, সব কাজেই Governmentএর বিবোধিতা করেন। এখানেও তাঁরা refugeeদের জন্য মায়াকাণ্ডা কাঁদছেন। (A VOICE FROM THE OPPOSITION: আপনি কিন্তু হাসছেন।) ধামুন না, আরো অনেক কিছু আছে এবং আমাদের দেখবার জিনিষ হচ্ছে এই মায়ের থেকে দরদ বেশী মালীর। দরদ ওদের বেশী হল, অথচ বিল ওরা আনেন নি বা আনবার জন্য বলেন নি। Government Bill এনেছেন যাতে refugeeদের ভাল করা যায় সেই জন্য। এবং এর মধ্যে আছে ও যদি কিছু ভাল জিনিষ করা যায় করা হবে এবং সেগুলি করা হয়েছে। সঙ্গে সঙ্গে Government এখানে লোকজনদের দেখাচ্ছেন এবং বলছেন তোমাদের যদি কিছু suggestion থাকে এসে নাও। Compromise হবার সঙ্গে সঙ্গেই দেখা গেল ঐ refugee দরদী দল বলে বেড়াতে লাগলেন ওদের জন্য এটা হল। কিন্তু ধন্যবাদটা যাদের পেওয়া উচিত ছিল তাদের সেওয়া হ'ল না। ওদিকে বাইরের লোক বুঝল Dr. সুরেশ ব্যানার্জীই সব কিছু করেছেন। মোঘ মারল কে আর বংশিন্স পেল কে? ঐ যেমন যে মোঘ মারল সে কিছুই পেল না, আর চালাকী যে করল সেই সব পেল, তেঁরনি বদবোদ্ধা সাহেবের মত আরো কয়েকজন সাহেব আছেন ওঁরা সব চালাকের দলের পাইকার। ওঁরা কিছু করে নেবেন, যেমন ডেমল চালাকী দিয়ে নয়, সবার উপর চালাকী দিয়ে। Opposition Benchএ ওঁদের কেউ ডাকেন নাই, একদিনের জন্যও ডাকেন নাই, ডাকবার দরকার মনে করেন নাই; অথচ একটা হৈটে তো করা দরকার। West Bengal, East Bengal নিয়ে গোদবাল বাঁধিরে রাখা যায় কি না সেটাও ছিল ওঁদের শেষ চেষ্টা। কিন্তু এটা ওঁদের জানা উচিত ছিল

Government আগে থেকে যে বিল করেছেন West Bengalএর হিন্দু মুসলমানের মধ্যে যারা displaced হয়েছে, যারা নিজেদের ঘরবাড়ী ছেড়ে এখানেই রয়েছে তাদের সম্বন্ধে গভার্নমেন্ট একটা ব্যবস্থা করবেন সেই ইচ্ছিত আগেই দিয়েছেন। বর্তমানে এর বেশী আপনারা কি চান? দেশে কি শান্তি আনতে চান, Legislation ঠিকমতো হতে দিতে চান? এখানে Government যতই ভাল করার চেষ্টা করছেন আপনারা তাকে ততই মশেল দিকে নিয়ে যাবার জন্য উঠে পড়ে লেগেছেন। দেশের ব্যাপার নিয়ে একবার এদিক আরেকবার ওদিক না করে সবসময় বিষয়টা পরিষ্কার করা দরকার। Government থেকে কি করা হয় তা অনেকই জানতে পারে না। আর Opposition থেকে যা কিছু করা হয় তা শ্রুতকটা পূর্ণভাবে খবরের কাগজে ছেপে দেওয়া হয়। কিন্তু আমি বলি যারা Governmentএর দাবি নিয়েছেন তাদের কি Oppositionএ যারা গিয়েছেন তাদের চেয়ে sacrifice কিছু কম আছে? তাঁরা জেলে গিয়েছেন, দেশের জন্য life দিয়েছেন, দেশকে তাঁরা কম ভালবাসেন নি। তা না হ'লে তাঁরা Governmentএর গদি পেতেন না। তাহ'লে এত membersও তাঁদের সঙ্গে থাকতেন না। কিন্তু Opposition থাকা দরকার। এই ১৫ বছরের মধ্যে বহু Opposition ও বহু position দেখেছি। (A VOICE : কি position দেখেছেন?) কিন্তু এই শব্দের Opposition খুব কম দেখেছি। আমার বলার একমাত্র কারণ এই যে, দেশের লোকের হুল হওয়া দরকার যে, জিনিষটা কোথায় গিয়ে দাঁড়াচ্ছে। আমার কয়েকজন বন্ধু চাচ্ছেন যাতে দেশে শান্তি না হয়। অশান্তি যতই থাকবে ততই ওঁদের দলের দিকে লোকদের টানাব সুবিধা। তারপরে কৃষকমজুর,—আবেকটা কি নাম আমি জানি না—এই তিনটা মিলিয়ে একটা party করেছেন। তাঁরা মনে করছেন এই বিল তো পাশ হয়ে যাবেই। এখন কি নিয়ে দাঁড়াবে? জনসাধারণকে ক্ষেপিয়ে রাখা দরকার। অর্থাৎ আগছে election পর্যন্ত এমন কিছু করবেন যাতে নিজেদের স্থান করা যেতে পারে। তাই ওঁদের একই মতনের বক্তৃতা ও কথা শুনি। শুধু গালাগালিই শুনি। কোন নতুন কথা ওঁদের তরফ থেকে আজ পর্যন্ত Legislationএ দিতে শুনি নাই। কাজেই ওঁরা motive নিয়েই চালেন। এই রকমের Oppositionএর কাছ থেকে আপনারা এমন কোন কাজই পাবেন না যাতে দেশের মজল সাধন হয়, শান্তি আসতে পারে। আপনাদের চিন্তা করতে হয় দেশের খাদ্য আসবে কি করে; ওঁদের সে সম্বন্ধে কোন চিন্তা নাই। (Governmentকে যেখান থেকেই হোক খাদ্য সংগ্রহ করতেই হবে। সে সম্বন্ধে Governmentএর কাছে Oppositionকে কোন ভাল suggestion দিতে দেখি না। উদ্ভটা তাঁরা চান Government যদি খাদ্য supply না করতে পারে, কাপড় যদি না দিতে পারে, তাহ'লে আমরা হেঁচক করতে পারব। আমি আর কিছু বলতে চাই না। যদি দরকার হয় পরে দেখা যাবে। আপনারা যে লাইনে বক্তৃতা আরম্ভ করেছেন সে বক্তৃতা আরেকটু নরম করে এনে দেশের যাতে মজল হয় আশা করি সেইভাবে বক্তৃতা করবেন।

**Sj. CHARU CHANDRA BHANDARI :** মাননীয় স্পীকার মহোদয়, আমি 3rd reading সম্বন্ধে বলতে উঠেছি। আমি কাশা করেছিলুম যে, 3rd readingটা প্রাক্তীয়াপূর্ণ পরিবেশের মধ্যে অনুষ্ঠিত হবে, কারণ 3rd readingটার সম্বন্ধে প্রাক্তীয়া আছে। কিন্তু গভার্নমেন্ট দেখছি আমাদের পাল দেবার জন্য প্রাক্তীয়াবাদের ভাড়াটে একটা লোককে দাঁড় করিয়েছেন।

**Janab A. M. A. ZAMAN :** Mr. Speaker, Sir, ভাড়াটে আমি, না চারুচন্দ্র বুই পাশে বসে আছেন তাঁরা। আমি 32 years কলকাতায় আছি, আমি কি করে ভাড়াটে হলুম?

**Sj. CHARU CHANDRA BHANDARI :** মাননীয় স্পীকার মহোদয়, আমার বক্তব্য বলতে—

**Mr. SPEAKER :** Will you please withdraw that?

**The Hon'ble Dr. BIDHAN CHANDRA ROY :** Sir, has he withdrawn that word?

**Dr. P. C. GHOSE :** Will the Chief Minister kindly ask his supporters to withdraw what they said?

**Mr. SPEAKER :** That is the reason why I said that once you start recriminating there will be no end of it.



**8j. CHARU CHANDRA BHANDARI :** মাননীয় স্পীকার মহোদয়, যে বিল আজ গৃহীত হতে যাচ্ছে এই বিল যদি গৃহীত হয়, আমরা দেখতে পাচ্ছি এর যে pivotal personality তিনিই হচ্ছেন competent authority. এই যে competent authority নিয়োগের কথা গবর্ণমেন্ট রেখেছেন এটা ভাল কথা। গবর্ণমেন্টের original proposal ছিল, এই competent authorityর একজন হলেন District Judge, কিন্তু এই বিল যেভাবে গৃহীত হতে যাচ্ছে তাইারা বিলের administration ভাল কি মন্দ হবে, তাদের জন্য এই বিল তারা benefited হবে কিনা, তাদের উপকার পাওয়া দরকার তারা উপকৃত হবে কিনা সেটা নির্ভর করছে এই competent authorityর উপর। এই জন্য তাঁকে অর্থাৎ জজকে উপযুক্ত স্বাধীনতা দেওয়া উচিত এবং তাঁকে যথেষ্ট স্বাধীনতার সঙ্গে কাজ করতে দেওয়ার জন্য তার appointment যেন irrevocable হয় এমন একটা বিধান থাকা উচিত ছিল এবং এখনও Governmentএর সময় আছে। অর্থাৎ একবার appointment করলে আর তাঁকে পরিবর্তন করা যাবে না। যে provisionটা গৃহীত হচ্ছে তার মধ্যে সে তিনিশ্রী নাই। অতএব competent authorityর—with freedom—যে রকমভাবে কাজ করা সম্ভব সেভাবে কাজ করতে পারবে না। কারণ, তাঁর appointment একবার হলো এই বিলের মধ্যে কোন বিধান নাই এই Governmentএর কোন রকমে displeasure incur করলে তাঁকে পরিবর্তন করা যাবে না। তাঁকে পরিবর্তন করা সম্ভব। এই বিলটা যে আকারে পাণ হচ্ছে এর দ্বারা সুবিধা হবে তাদেরই দ্বারা—those who are in the good graces of the Government এবং and so of the competent authority—তারাই সুবিধা পাবে। এই জন্য এই বিল যেখানে একজন Judicial authority District Judge দেওয়া হয়েছে সেখানে তাঁর appointment irrevocable করা উচিত ছিল। এখনও সময় আছে, Government তাই করুন। যদি তা না হয় তবে আমার আশঙ্কা হয় এ বিলের উদ্দেশ্য ব্যর্থ হয়ে যাবে। (A VICE: তার জন্য amendmentএ দিয়েছেনই।) কিন্তু কোন্ amendment আপনারা গ্রহণ করেছেন? কোন reasonable amendment আপনারা গ্রহণ করেন নি, deliberately করেন নি। অতএব একথা ব'লে লাভ নাই। এই বিলের provision যদি মনোযোগ দিয়ে বেশে ভাব'লে লক্ষ্য করবেন যে এর স্থানে স্থানে এমন flaw আছে যে এটা যদি ভালভাবে administered না হয় তবে এই বিলের যা উদ্দেশ্য তা ব্যর্থ হবে। আমি শ্রুত্বই দেখিয়েছিলাম clause 2এ যে landএর definition কেন নাই; এটা vague রাখা হয়েছে। আমি আপা করছিলাম landএর definitionটির পরিবর্তন করা হবে। Because it is so very obvious Government এই landএর definitionটা রাখবেন তা করণা করতে পারিনি। সেজন্য আমার নিজের একটা amendment দেবার ইচ্ছা ছিল। আমি জানতাম Government এই definition রাখবেন না, কিন্তু শেষ পর্যন্ত দেখছি সেই definitionই থেকে গেছে। সেই definition হচ্ছে, land means immovable property. যদি কেউ জিজ্ঞাসা করেন what does immovable property mean? কোন্ definition গ্রহণ করবেন? General Clauses Act অথবা Transfer of Property Act?

**The Hon'ble Rai HARENDRA NATH CHAUDHURI :** Dictionary উঠে যাবে নাকি?

**8j. CHARU CHANDRA BHANDARI :** না, Dictionary উঠবে না। Immovable propertyর যানে কি dictionary দিয়ে যানে করতে পারবেন না, যদি আইনে কোন যানে দেওয়া না থাকে, General Clauses Actএ যাবে, কিংবা Transfer of Property Actএ যাবে, বুঝুন এখন এটা আমি reasonable কথা বলছি কিনা।

**The Hon'ble Rai HARENDRA NATH CHAUDHURI :** আপনি যা বলেন, সবই reasonable.

**8j. CHARU CHANDRA BHANDARI :** Immovable propertyর এই definition আছে immovable shall include land. ভাল কথা কিন্তু land means immovable property. এটা vague জিনিষ। আমার কথা, হরি, পাছপালা, ঘরবাড়ী নিয়ে। কারণ কাণ্ডও জরি পাছপালা, ঘরবাড়ীসমত কেউ কেউ দখল করেছে। Transfer of Property Actএ যা আছে, সেটা সহজেই মনে জাগে। এখানে আহুদ দেখা যাবে, "benefits arising from that and things"

attached to the ~~concrete~~ or permanently fastened to anything attached to the earth. Competent authority কোনটা নেবে? Transfer of Property Act-এর definition নেবে? না অন্যটা নেবে? এই জন্য বলছি অনেক গোলমাল পরে আসবে, এই হচ্ছে কথা। মিডীয়তঃ আমার একটা amendment সেবার কথা ছিল কিন্তু দেখছি যেমন ছিল তেমনই রয়ে গিয়েছে। এত কথা আমি বলতাম না কিন্তু আমার amendment না নিলে—কি সর্বনাশ হতে পারে তা দেখিয়ে দিচ্ছি। কোথায় যেতে পারে? Clause 3তে আহুন। এর আগে বলেছি “may” means “shall”.

**The Hon'ble PRAFULLA CHANDRA SEN:** Not always—সে সব সময় নয়।

**8j. CHARU CHANDRA BHANDARI :** সে জ্ঞান আমার আছে। Civil Courtএ গলে কি ground দেবেন। কোনো ground নেই। সেদিন মুখ্যমন্ত্রী তাঁর বক্তৃতায় যা বলেছিলেন তাতে গোলমাল থেকে যাবে এটা বলা উচিত ছিল। যে proviso add করা হয়েছে সেটাতেও বেশী দূর এগোয় নি, এই যে in the case of an application which the competent authority can entertain—এটা তো একটা matter of opinion; enquiry করে যা মনে হবে “The case should be tried by a Civil Court”. কিন্তু কখন কখন মনে হবে? কোন্ grounds মনে হবে? কোনো direction কোনো inkling, কোনো suggestion দিচ্ছেন না; it shall ~~not~~ proceed further with the application but shall refer the party to a Civil Court. স্ততরাং দেখা যায় যে legislation এমনভাবে করা হয় নাই যাতে করে মনের কথা বুঝে নেওয়া যায়। হয়ত মনে আছে issues involved কিছু কার্যকারিতায় other than the questions of unauthorised occupation এসে গিয়েছে এমন যদি থাকে এবং সেই জন্য কেবল বেশি complications এবং the matter will involve some other issues other than the question of unauthorised occupation. ভাইয়ে ভাইয়ে গোলমাল claim করে when it is a dispute of title between two or three claimant সেখানে কি হবে—সেটা বলা উচিত ছিল।

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** Advocate-General বোকা। আমাকে এই জিনিষটা দিয়েছে, কি করি বলুন?

**8j. CHARU CHANDRA BHANDARI :** এটা কোন কথা নয়, যে গোলমালটা হতে পারে সেটা দেখিয়ে দিচ্ছি। যেটা competent authority দেখবে after enquiry that the decision of the matter involves the decision of issues other than unauthorised persons সেখানে তিনি এটা refer করতে পারেন। Where is the guidance? আমি জানতে চাই competent authorityর legislative ablemen রাফা উচিত। যেখানে delicate question involved সেখানে কি করতে আপনারাই জানেন। তারপর দেখুন sub-clause (3) এটাতে proviso হল shall refer the party to the Civil Court. কোন্ প্রয়োজনে তারা করবেন। কোন্ ক্ষমতা তাদের দিলেন? Civil Court কোনটা বিচার করবে? Competent authorityর ক্ষমতা আছে unauthorised occupation যেখানে থাকে সেখানে compensation দিয়ে—যতদিন জমি দখল করেছে তার compensation দিয়ে—উঠান যায়। Civil Court কোন্ পর্যায় যাবে তার কোন limit মেননি। আমার কথাটা বীরশ্রীরভাবে বিবেচনা করুন। কোন্ পর্যায়—কোন limit দেওয়া হয়নি। Civil Courtকে সেখান থেকে সমস্ত ক্ষমতা দিচ্ছেন কিনা। আমার মতে তাকে sufficiently empower করা হয়নি অর্থাৎ জবর দখল সমস্ত title বিচার করার পরে আপনারদের কাছে ফিরে যাবে; order of eviction দিতে হবে সেটা কে দেবে? বলা হয়েছে it will return the case with its decision to the competent authority. তারপরে কি হবে? It will be lawyers' paradise so far as this clause is concerned. Who will decide the title? আমি বলতে চাই যদি তা দিতে হয় আপনারা দেবেন। এই জিনিষটা বলা উচিত ছিল। এই পর্যায় বিচার করে আপনারদের কাছে আসবে। এ নিয়ে কোথায় যাবে? It will send back to the competent authority. আমি বুঝ গাঠীর্থ্যের সঙ্গে বলছি এই জিনিষটা কোন্ পর্যায় যাবে, কোন্ পর্যায় Civil Court যাবে, definitely বলা হয়নি যদি unauthorised occupation ~~ব্যব~~ সেখানে মনে করবেন সেদিন থেকে সমস্ত ক্ষমতা has to be exercised by competent

authority—by the Civil Court. কি এর মানে ? এই জিনিষটার কোন-মানে হয় কিনা, এইটা ভাল করে চিন্তা করে দেখবেন সে কথা আমি বলছি। তাই এই বিলটার administration যে কি করে হবে বুঝতে পারি না। এই জন্য বলছিলাম যাদের জন্য এই বিলটা mean করা হয়েছে তাদের জন্য কোন ব্যবস্থা করা হয়নি। প্রধানমন্ত্রী যে কথা বলেছেন তাতে আমি আশান্বিত। দ্বিতীয় কথা হচ্ছে clause ৬এ আসছি। আমি পুনরায় মন্ত্রী মহাশয়কে অনুরোধ করছি যদি এই proviso নিয়ে নিতেন তাহলে খুব ভাল হতো। কারণ একটা কথা তারা যেন অনুগ্রহ করে স্মরণ করেন আমি seriously বলছি। গত যে disturbance হয়েছিল তার ইতিহাস কি ? তার ইতিহাস হচ্ছে সেটা যারা দেখেছেন আমিও দেখেছি কারণ আমরা সবাই কাজ করেছি। The first phase of the disturbance was not for killing but for looting. সেখানে শুধু ভয় দেখিয়ে দাবিয়ে দিয়ে, সমস্ত ঘর দখল করাই ছিল লক্ষ্য। Next and last phase তার প্রধান motive ছিল killing whether they be refugees or not. তাড়াতাড়ি যতশীঘ্র পারেন তাদের protection দিয়ে দিন যদি সে জিনিষটা না করেন, it will be giving premiums to the wrong-doers—আমি warning দিচ্ছি it will be giving premiums to the creators communal disturbance. তারা কি encouraged হবে না ? এটা seriously think করতে আমি বলি। কেন এই promise দিচ্ছেন করবার জন্য আমি আগ্রহান্বিত ছিলাম ? গত disturbance হয়েছে তার প্রধান কারণ to drive out the Muslims. তারপর মুসলমানী যে কথা বলেছেন তা যেনে নিচ্ছি। তিনি একটা কথা উল্লেখ করেছেন—গরীব লোক বড় লোক—একথা জ্যোতিবাবু শিবনাথবাবুর বক্তৃতায়ও এসব কথা এসে গিয়েছে—কিন্তু এটা আমরা কেহই চাই না।

**The Hon'ble RAI HARENDRA NATH CHAUDHURI :** আপনি misguide করছেন।

**SJ. CHARU CHANDRA BHANDARI :** যা কিছু legislation করছেন এটা piecemeal করার কোন মানে নেই। তাতে শুধু bitternessএর সৃষ্টি করা হয়। আমার কথাটা আমি illustrate করছি। গতগবেষ্ট যাই করুন, সব সময় তার একটা gravity থাকে উচিত। যারা wrong-doers তাদের dispossessed হবে বিন। কিন্তু যেহেতু একজন unauthorised occupation করেছে অতএব তাকে যেন তেমন করে তাড়ান হবে—that will regularise it and that is a bad thing for the Government to do. কোন stable Government একথা কখনও চিন্তা করতে পারেন না। যদি কাউকে যেআইনিভাবে আটক রেখে ছেড়ে দেওয়া হয়, এবং ছেড়ে দেবার পর আবার তাকে ধরা হয় তাহলে আমি বলব এতে sanctity of the law vindicate করা হয় and sanctity of the order of the society you must vindicate as a Government. আপনারা এখানে আজ গরীব বড় লোকের প্রশ্ন আনবেন না, for the sanctity of the order of the society you must vindicate as a Government. সুতরাং আপনারা এখানে in the case of these displaced Muslims এই কথাগুলি বসিয়ে দিন। গরীব মুসলমান, যাদের জমি জোর করে দখল করা হয়েছে তাদের জমি কেবল দিয়ে বিন। অবশ্য নবাব সাহেবের মত যদি কোন বড়লোক মুসলমান থাকেন, যাদের ১০১৫ খানা বাড়ী বা অনেক পড়োজমি আছে সেগুলি requisition হবে নিতে পারেন for the rehabilitation of the refugees কিন্তু যে মুসলমানের বাড়ী একখানা বাড়ী আছে তা যদি requisition করে নেন তাহলে you cannot vindicate the sanctity of the order of society. গতগবেষ্টের কখনই ছেঁড়ান করা উচিত নয়। I am very zealous of the dignity of the Government.

তারপর আমি clause ৪এ আসছি। এতে বলা হয়েছে “for purposes of this Act the competent authority or the Tribunal may exercise such powers as may be prescribed”. এ কথা বলার কি প্রয়োজন আছে। Competent authorityকে তো power দিয়েছেন। তারপর Tribunalকে appealএর power দিয়েছেন, কের আবার বলছেন “for the purpose of this Act the competent authority or the Tribunal may exercise such powers”—এর মানে কি ? What is the intention of the Government at the back of their mind ? অবিকল statuteএ redundant provision থাকলে that is liable to be abused.”

rule-making power নেওয়া হয়েছে, কিন্তু how he will exercise his power, তা বলা হয়নি। সুতরাং you can make a rule as to that. এতে এক আশংকা বলা হয়েছে--“such power as may be prescribed”—এতে if Government wants to abuse which, I hope, they will not; কারণ abuse যদি করেন তাহলে competent authorityর power curtail হয়ে যাবে। On the other hand, competent authority হয়ে পড়বেন একজন docile person without meaning any disrespect to him. তাহলে তার power will be extended than what is given in the text of this Bill—এইভাবে হবার chance রয়েছে। কোন একটা legislation করতে হলে ধীরস্থিরভাবে বিবেচনা করে দেখা উচিত। Now I come to clause 10. এতে যে সমস্ত নতুন নতুন amendment আনা হয়েছে, তাতে আমি বলেছিলাম এমনভাবে provision করা হোক যাতে জাভাডি এবং ঠিকভাবে পেতে পারে। You do what you mean. যেটুকু করবেন সেটা ঠিকভাবে করুন। আপনারা displaced personsকে safeguard দিতে গিয়ে summary procedure-এর ব্যবস্থা করেছেন।

আমি Public Demands Recovery Act থেকে পড়ে প্রমাণ করে দিচ্ছি, বিশেষ করে, আমি Judicial Minister ও Education Ministerকে সুনতে বলছি, Public Demand means any area or money mentioned or referred to in schedule (I) and includes any interest thereon. এর মধ্যে অনেক কিছু আছে। তার মধ্যে একটা আছে which will serve my purpose.

**Shaikh MOHAMAD RAFIQUE :** Sir, how long shall we sit today ?

**The Hon'ble BHUPATI MAJUMDAR :** Up to ten.

**Shaikh MOHAMAD RAFIQUE :** Are there two Speakers in the House ?

**The Hon'ble BHUPATI MAJUMDAR :** No, only one. I am also a member. I am only giving my opinion.

**Shaikh MOHAMAD RAFIQUE :** I am asking the Deputy Speaker.

**Mr. DEPUTY SPEAKER :** Let Mr. Bhandari finish his speech and then I shall decide.

**Sj. CHARU CHANDRA BHANDARI :** Schedule (I) বুটল সেবুন—এর sub-rule (I)তে আছে any money which is declared by any enactment for the time being to be a demand or public demand বলতেই সব ফুরিয়ে গেল। বললেই হ'ত কোন consideration, কোন rent, কোন premium as awarded by the competent authority or Tribunal should be considered as public demand—এইটুকু করলেই সব ফুরিয়ে যেত। এইটুকু আপনারা গ্রহণ করুন। কেন আপনারা একে আবার summary procedure-এর মধ্যে টেনে নিয়ে যাচ্ছেন। শুধু public demand এই কথা বললেই সব ফুরিয়ে যেত। এরা rent পেত এবং জাভাডি landও আদায় হত। আপনারা আমার reasonable কথাটা গ্রহণ করলেন না কেন ? He is supposed to know the simple rule of this law. এতে এই জিনিসটা আছে।

অতএব আমার কথা হচ্ছে যদি এই Billটাকে আইনে পরিণত করতে চান তাহলে আমার provisionগুলি গ্রহণ করে নিন, নতুবা বিলটাকে withdraw করে নিন। কারণ এই বিলে অনেক loophole রয়েছে যাতে তাদের আরও সর্বনাশ হবে, হয়ত এমন হবে পতর্নমেন্টের যারা প্রিয়পাত্র তারাই সব পাবে আর অন্যেরা কিছুই ফিরে পাবে না।

**Shaikh MOHAMAD RAFIQUE :** Mr. Speaker, Sir, during your absence the Deputy Speaker gave us an assurance that after Mr. Bhandari has finished his speech he will say whether the House will adjourn for the day.

**Mr. SPEAKER :** We shall go on.

**Shaik MOHAMAD RAFIQUE:** How long, Sir?

**Mr. SPEAKER:** Let us see. I am helpless. Formerly each group or section of the House used to choose one representative to speak. Now the difficulty is that during the third reading there are 20 speakers. I find that we are sitting for more than three hours every day. So, let us go on.

**Shaik MOHAMAD RAFIQUE:** Mr. Speaker, Sir, I will not congratulate the Government on bringing this measure. Of course the Government will have the satisfaction that this Bill will be passed after all, and the Opposition also may feel jubilant that they have coerced the Government into accepting amendments which have mutilated the Bill to such an extent that even the Government will find it difficult to know later on if the child belongs to them or to the Opposition.

Sir, the Bill has not only been very hastily drafted, but has been presented in great haste in this House. The amendments which have been accepted by the Government inside the House and outside have also not been very comprehensive and negative of the purpose which this Bill contemplates. The Bill as determined will not do any benefit to those for whom it has been enacted or to those whom it intends to rehabilitate. Sir, as a result of this hastily drafted measure which apparently tries to please the Opposition Party there will be endless litigations, and all those refugees whom we want to rehabilitate on the land forcibly occupied by them will have now to dance attendance at the court. These people will have to find money for their livelihood as well as for litigation. Some of these refugees have to attend offices while others have to look after their business, but as soon as this Bill comes into operation the refugees will have to run to the different mufassal and city courts day in and day out to dance attendance on their lawyers and the court and spend whatever little money they have. This will be the first effect of this Bill. I do not know if the Government intends to bring relief to the refugees in this way.

Sir, unfortunately the Government has fallen into the trap of the Opposition. I congratulate the Opposition for their masterly manipulation of this Bill and relentless efforts to induce the Government to accept the amendments which have frustrated the object of this Bill. They have been successful in defacing the character of the Bill. I feel that all the time that we have spent on the consideration of this Bill is practically wasted. Though it has not done any good to anybody, it has done immense harm to the displaced Muslim. Sir, we should render as much help as we can to rehabilitate those unfortunate friends of ours who have come here from the neighbouring country and who have been forcibly driven out of their own country. But I would beseech you not to extend your sympathy in a way that in doing good to these people we do more harm to another set of people who have suffered to a greater extent. It is like robbing a beggar to feed somebody else. The most outstanding fact is that under Nehru-Liaquat Pact those who came back from Pakistan are being rehabilitated and reinstated in their houses, while those who have chosen to stay here in a spirit of patriotism and loyalty to the Indian Republic are robbed of their ancestral homes and are now being refused any help and protection. These poor helpless Muslims had been hoping against hope that some day the Government would come forward with some measure and help them by ousting those who have taken unlawful possession of their houses and of their lands. Sir, these poor and displaced Muslims are living in open land, unsheltered without any cover to save them from rain and sun and seeing with their own eyes others forcibly and illegally occupying the houses and lands which not many months ago belonged to

them. What will be the state of despair of these people when they will hear that the Government which had assured them all protection is legalising this trespass of their land and their homes? They like us are all human beings. Misery and despair beget all kinds of suspicion. If I talk of one particular section of the people I am termed as a communalist. Whether a Hindu or a Muslim may not openly profess, and conceal his feeling of hatred against the other we know that we have been brought up in a way that communalism is in our blood. We may not talk of communalism and condemn everybody who does talk it but by our actions, by our daily work and by our conduct in the day-to-day affairs we display the narrow spirit of sectarianism against people professing different religion. What would be the result of this Bill if passed into law? This Bill will clearly show that the Government have sided with one community whether they belong to India or to any other country; only because they profess religion of the majority party. The Government wants to get them all the benefits at the expense of another set of people who profess another religion. Otherwise, Sir, I do not understand the logic of accepting amendments of the Opposition. Why should those poor Muslims who are in India, who are still in those very villages, where their houses had been taken forcibly, should not be provided any relief and their right to claim back their houses and land be finally sealed. They will now be told, as a result of the passing of this Bill, in clear language that they cannot live here. They cannot get back their land and houses. In the far distant future they may get some compensation in some form. The other great harm that it has done is that it has exploded the theory and myth of our secular State. We have been told from time to time that India is a secular State and that people professing any religion and belonging to any class or creed will have equal opportunity, equal right of protection and worship of their own religion. That is what we have been told from time to time from all quarters. But what has been the actual position? Let us see how this declaration has been brought into actual practice. Differentiation and discrimination has been made everywhere for us. We are not getting any permits because we belong to a particular religion; we are not getting any licences because we belong to a particular religion. Our houses and lands had been forcibly taken possession of with the active assistance and connivance of the Government officials and the police. By this measure we are now being told that we will not be reinstated in our own houses. The people whose houses have been taken away unlawfully and forcibly are not rich people. They do not believe in far distant promises. They feel and believe that if their pockets have been picked by a thief they must get back their money though you may not punish the thief. It may be that the thief who has taken it may be a very poor man and his children may be starving but he has got no right to pick the pocket of another starving human being and take away his money. This Bill gives protection to a thief and punishes one whose money has been stolen. Of all people the Government of the land comes forward and says "This man will have full protection at your cost as he professes a particular religion and you profess a different religion". Some time we feel that while the profession of the Government is so crystal clear why should this propaganda about the secular State should be so vigorously pursued. I may be right or I may be wrong but that is my impression and the impression of the other Muslims is the same. It seems that so long as the Kashmir question is not finally decided this hoax of secular State will go on. We do not find the Government have taken any action to prove their *bona fides* or to show by their acts and deeds that the Muslims will get justice at their hands. Those Muslims who have been loyal, who have been patriotic are getting the worst and those who have shown their sympathy for another country are getting all the benefits. Sir, why should a man who went to Pakistan and came back should get

preferential treatment and be allowed to have his land and his house back and the man who has chosen to cast his lot with the other citizens of this State should be thrown in the street?

**Mr. SPEAKER:** Mr. Rafique, I am afraid you are repeating the same arguments over and over again.

**Shaik MOHAMAD RAFIQUE:** Nobody objected, Sir, when another honourable member was speaking at length on clauses repeating the same arguments.

**Mr. SPEAKER:** Order, please. You cannot cite precedents that such and such member spoke for so many minutes and demand that you should also be allowed to speak for the same period. If the repetition of the arguments by another member did not, for some reason or other, strike me that does not mean that I should be inattentive to the repetition of arguments by other honourable members for all time to come. If each member of the House demands the same amount of time as was taken by another honourable member then let us frame a rule. So far as the practice of this House is concerned, discretion is always given to the Speaker—and that is a salutary principle—to regulate the debate and to bring it to the proper limits. In place of that we have now the practice of submitting lists of members belonging to different sections desiring to speak on a particular subject. Now unless the list of speakers is kept within bounds and unless the speakers do not stress the same point over and over again by advancing the same arguments there is no use giving a list of the speakers. Then the other salutary principle was that the Speaker used to regulate the course of the debate and the time of the debate by accommodating the different sections of the House and as soon as he thought that there had been sufficient debate on a particular subject he stopped it there and proceeded with the next item. In the Central Assembly 15 speakers rose in their seats to catch the eye of the Speaker and as they could not catch his eye they complained to the Speaker. The Speaker there said that it was impossible to accommodate each and every speaker in the House to have his say in the House itself. Now coming to the point here I would say that so far as the Muslim point of view was concerned it had been stressed yesterday while we were discussing section 4. Also at the consideration stage it had been stressed by numerous speakers and also today during this third reading. Therefore I would simply request that if it be necessary to record a protest let it be done in as few words as possible without repetition of old arguments and thus save the time of the House. That is the only request that I can make.

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** Mr. Rafique has raised one more issue and that is the Kashmir issue.

**Shaik MOHAMAD RAFIQUE:** I feel, Sir, that you should welcome every speaker taking part in the debate because the Opposition is so thin and many clauses of the Bill were finished in five minutes' time.

**Mr. SPEAKER:** In spite of the Opposition being very thin I think the time which we have devoted towards this Bill is inordinately long. As a matter of fact I have given the greatest amount of latitude to the members to speak at the consideration stage and also at the time the clauses were being discussed. We discussed one clause for six hours, but then there is a time-limit within which a business has to be finished. When such is the case let us not repeat the same arguments over and over again. I am of the view that the Muslim point of view has been amply put forward and amply stressed and there was a walk out yesterday by some Muslim members because their point of view put in the form of an amendment yesterday

was lost. There has been further expression of the Muslim point of view today by some speakers. So what is the good of repeating the same arguments over and over again? If you protest against the passage of the Bill because you think that it does not accommodate the Muslim displaced persons let it be done in as few words as possible.

**Shaik MOHAMAD RAFIQUE:** I bow down to your ruling but I may tell you that in the Central Assembly when Mr. Patel was the President he used to allow many days for the consideration of an important clause.

**Mr. SPEAKER:** That cannot be cited as a precedent that everywhere it should be so. It all depends on the importance and extent of the measure. We are now on the third reading. We sat at 3 and it is now 7-30. If even at this late hour members want to go on speaking repeating their old arguments there can be no end to it and so I request members to be brief in their speeches. My experience has been that during the third reading there have always been very few speeches.

**Janab Syed BADRUDDUJA:** On a point of ~~privilege~~ Sir. This is perhaps the most important Bill that has been brought before us in this session.

**Mr. SPEAKER:** Mr. Badradduja, I do not want to dispute the importance of the Bill. That was the reason why I allowed the utmost discussion yesterday but this does not mean that the same point of view and the same arguments should be repeated over and over again. After all there must be some judgment in this matter. What I wish to lay stress upon is this that even prior to Mr. Rafique during this third reading 4 or 5 speakers have spoken and they have stressed the Muslim point of view. If each Muslim member wants to record his protest against the Bill also today I shall allow each one of them to do so but in the space of 3 or 4 minutes each. What I would say is this that the time of the House is extremely valuable and should not be taken up by a member for the repetition of his old arguments. It would enliven the proceedings of the House if there was some fresh contribution to the debate by the members proposing to speak, by not indulging in the same repetition of their old arguments. That is a very simple request which I would ask the honourable members to comply with.

**Shaik MOHAMAD RAFIQUE:** Sir, I am thankful to you and I realise that the time-limit depends on the importance of the member speaking and not on the subject-matter of the debate.

**Mr. SPEAKER:** What is the meaning of your reflection? I will not allow any reflection on the Chair.

**Shaik MOHAMAD RAFIQUE:** Sir, Mr. Jyoti Basu had 45 minutes but you have denied us adequate time.

**Mr. SPEAKER:** He might have one hour: it is within the discretion of the Chair.

**Janab Syed BADRUDDUJA:** Sir, you are the custodian of the rights and privileges of all sections of the House including individual members and you have to maintain the tradition and dignity of the House. But, I am sorry, it is not the way to do so. We expected you to rise to the height of the occasion to protect every one of us and to give us every opportunity and facility to ventilate our grievances. I appeal to you not to lose your temper.

**Mr. SPEAKER:** I regret to say that my appeal to you does not carry any weight.



**The Hon'ble Dr. BIDHAN CHANDRA ROY:** 'Sir, may I tell my friend that it is not a fact, as he said, that the Speaker has gagged somebody?

**Janab Syed BADRUDDUJA:** Sir, I withdrew that remark immediately.

**Mr. SPEAKER:** I depend on the good sense of the honourable members of the House to co-operate with me by limiting their speeches within the bounds of relevancy. But if they go on talking *ad infinitum*, I have nothing to say.

**The Hon'ble NIKUNJA BEHARI MAITI:** On a point of order, Sir. Is it permissible under the rules that the same arguments would be repeated over and over again?

**Mr. SPEAKER:** I think it does not stand to reason that same arguments should be repeated over and over again. As a matter of fact, I have got to point out to you that the same arguments whether of himself or of other members should not be repeated.

**The Hon'ble NIKUNJA BEHARI MAITI:** If that is so, may we be protected from the infliction of same arguments over and over again?

**Mr. SPEAKER:** I have appealed to the House, for after all the House depends on the good sense of the honourable members constituting the House. Of course I do not wish that any shade of opinion should go unrepresented in this House, but at the same time I do expect that there should not be any unnecessary repetition of the same arguments over and over again. That is a simple request that I have made. If it appeals to the honourable members I would be happy; but if it does not, they may go on speaking *ad infinitum*.

**Shaik MOHAMAD RAFIQUE:** Sir, we are going to abide by your ruling. If you wish to rule out repetition of the same arguments, we will abide by it. But I am sorry to tell you that it cannot be done as the Government has only one speaker who when he speaks repeats the same arguments.

**Mr. SPEAKER:** Mr. Rafique, I am sorry to tell you that it is again a reflection on the Chair.

**Shaik MOHAMAD RAFIQUE:** Sir, if you do not permit the repetition of arguments we will abide by it, but we wish to see that the Government speakers also do not repeat the same arguments over and over again.

**Mr. SPEAKER:** I expect that.

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** Sir, may I draw your attention to rule 16 of the Assembly Procedure Rules. It says, "The Speaker, after having called the attention of the Assembly to the conduct of a member who persists in irrelevance or in tedious repetition either of his own arguments or of the arguments used by other members in debate, may direct him to discontinue his speech".

**Mr. SPEAKER:** But I am not going to take shelter under that rule. I am depending on the good sense of the honourable members of the House.

**Shaik MOHAMAD RAFIQUE:** Sir, that contingency only arises after you have given a warning.

As I was saying, Sir, this Bill has not done good to anybody. It has also compromised the position of my Muslim friends who have joined the Government party. These friends of ours come from different parts of West Bengal and the poor Muslims living on those parts are anxiously

waiting to hear the decision of their fate, whether their representatives will bring them any good news. I do not know with what face they will meet them and what message my friends have to give to their co-religionists who have been deprived of their lands and houses. (Loud noise.) May I appeal through you, Sir, to these gentlemen not to make disturbances. If they feel very uncomfortable they may go out. It is an embarrassing position to Muslim members because they will have to satisfy their electorates on whose votes they have been elected, they have to show that they have put in sufficient protest against the measure which does not permit the reinstatement, re-entry or reoccupation of their houses, by the displaced Muslim.

So I say again that this measure which has been brought by the Government would not do any good to anybody. And I feel that our position also before our electorate is jeopardised. You have asked us to join the Congress party; you have given us assurances that we will get full protection in the matter of our profession and vocation, in the matter of performance of our religious rites, in the matter of protection of our ~~landed~~ property. But, Sir, as I have already said, this state of things and these measures which Government have been bringing from time to time have driven us to a sense of frustration so much so that we do not feel confident to offer a united front against any oppressive measure that Government have brought before this House. It has driven us to a state where we have lost all our mental balance and we are incapable to think of anything. That state of thing has been brought in just like a process of slow poison. We may not be killed or murdered but the slow poison which is being injected from time to time by the introduction of such atrocious Bills is killing us. We do not know what is being done to us. We are not sure whether we shall be able to live in our own houses in future with safety. Today I may be in my house, but tomorrow another Bill may be brought and I may be ousted. It will be said that the Hindu refugees have got greater rights to occupy and live in the houses of the Indian Muslims to take possession of our property and cattle and land. So, Sir, we must know where we stand. Government with the votes at its command can pass any measure, but we are entitled to know beforehand like a man who has been sentenced to death whether you are going to kill us immediately or hang us during a period of one or two years. This information, I hope, Dr. Roy will be able to give us, because we will have to pass this information to our electorates. I have no appeal to make to him. Dr. Roy has given us an assurance that after four weeks or so another measure will be brought in. I know after four weeks the Assembly will not be sitting, and quite possibly this is perhaps the last session of the Assembly. So that assurance will not emerge out of the womb before he has quitted his office. I do not want him to show us any favour but to tell us about the date fixed for our death in India. (The Hon'ble Dr. BIDHAN CHANDRA ROY: When you get an illness which will be fatal.)

**DR. SURESH CHANDRA BANERJEE:** মাননীয় স্পীকার মহোদয়, এই বিল বর্তমান আকারে আনয়নের জন্য যে আমি এবং আমার প্রিয় বন্ধু ডাঃ প্রফুল্ল চন্দ্র ঘোষ অনেকখানি দায়ী, সে কথা মুক্তকণ্ঠে স্বীকার করবো। সঙ্গে সঙ্গে একশাও বলবো যে আমরা এই বিলকে এই আকারে আনবার জন্য কাজ করেছি একটা দলের পক্ষ থেকে। সেই দলের নাম হচ্ছে Refugee Eviction Resistance Committee এই কমিটির পক্ষ থেকে আমরা কাজ করেছি বটে কিন্তু আমাদের ব্যক্তিগত দায়িত্বের কথা স্বীকার করতে পারব না। এই বিলকে এই আকারে আনার জন্য আমরা সরকার-বিরোধী দলের সহ সভ্য কর্তৃক নিশ্চিত হয়েছি। শুধু মুসলমান ভাইরা আমাদের প্রতি কৃষ্ণ হননি, আমাদের দলের আপন লোকেরাও আমাদের উপর কৃষ্ণ হয়েছেন। এতদ্ব্যতীত কোম্বের দ্বারা এমন একটা ভাবের সৃষ্টি হতে পারে যে আমরা মুসলমান স্বার্থ-বিরোধী। ডাঃ ঘোষ মহোদয়ের মুসলমান প্রতিটি সন্ধে কোন প্রশ্নই উঠতে পারে না। আর আমার সন্ধে দ্বারা কিছু আনেন তারা

জানেন যে ১৯৩৩ সাল থেকে শ্রমিক আন্দোলনের সঙ্গে আমি বিশেষভাবে জড়িত আছি। রাঁরা শ্রমিকদের গণপতিত করতে চান তাদের সাম্প্রদায়িকতার অনেক উচ্ছেদ যেতে হবে। নইলে তাদের পক্ষে একদিনও শ্রমিক আন্দোলন চালান সম্ভব নয়। কারণ শ্রমিক ইউনিয়নসমূহ শুধু হিন্দু বা মুসলমান দ্বারা গঠিত হয় না তাতে প্লাম্বার সমানভাবে হিন্দু এবং মুসলমান যেকার থাকে। কাজেই রাঁরা হিন্দু-মুসলমানকে সমানভাবে দেখতে না পারে তাদের পক্ষে কোনও শ্রমিক আন্দোলন করা সম্ভব নয়।

আর একটি কথা আমি জোর করে বলতে পারি। বাংলা তথা ভারতবর্ষে সাধারণতঃ communal electorate প্রচলিত ছিল বটে তবু আমি non-communal electorate দ্বারা নির্বাচিত হয়েছি। ১৯৩৬ ও ১৯৪৬ উভয় সালের নির্বাচনে হিন্দু এবং মুসলমান সমানভাবে আমাকে ভোট দিয়েছে। এবং আমার বিরুদ্ধে যেসব মুসলমান দাঁড়িয়েছিলেন তাদের সবাই deposit এর ২৫০ শত টাকা বাজেয়াপ্ত হয়েছে। আমি এখনও কোন কোন মুসলমান—purely Muslim Union এর সভাপতি। আমি কোন পক্ষেরে এটুকুও যদি সাম্প্রদায়িকতা দেখাতাম, তাহলে আমার পক্ষে সেই সব ইউনিয়নের সভাপতি থাকা সম্ভব হতো না। সেজন্য আমরা যখন এই বিলকে এই আকার দিতে চেষ্টা করছি, তখন এক মুহূর্তের জন্যও আমরা মুসলমানের স্বার্থের কথা ভুলতে পারিনি। কারণ ভুললে আমাদের অতীত ইতিহাসকেই বাদ দিতে হয়।

বিলের বিস্তৃত সমালোচনা করার সময় এই নয়। আমরা যেভাবে বিলটি চেয়েছিলাম, ঠিক সেইভাবে বিলটি পাইনি। তার প্রমাণ এই যে আমরা এমন অনেক সংশোধনী প্রস্তাব পেশ করেছিলাম যা Government কর্তৃক গৃহীত হয়নি। এর দুই-একটি দৃষ্টান্ত মাত্র দিচ্ছি। Displaced persons বলতে 'আমরা বলতে চেয়েছিলাম যারা ১৯৪৬ সালের পূর্বেরে পূর্ববঙ্গে ছিল এবং ১৯৪৬ সালের আগষ্ট মাসে তারপর পশ্চিমবঙ্গে এসেছে তাদের কথা হোক। Government সেই প্রস্তাব গ্রহণ করেনি। এই ধরনের আবও অনেক দৃষ্টান্ত দিতে পারি। স্ততবাং যেভাবে এই বিল সংশোধিত করতে চেয়েছিলাম, ঠিক সেইভাবে ইহা সংশোধিত হয়নি। তবে একথা আমি মুক্তকণ্ঠে স্বীকার করবো যে ডাঃ রায় এবং তাব সহযোগীরা উপায়ভাবে এবং শুভবুদ্ধি দ্বারা প্রাণোদিত হয়ে আমাদের অনেক সংশোধনী প্রস্তাব গ্রহণ করেছেন। এজন্য আমি তাদের আন্তরিক ধন্যবাদ জানাচ্ছি। বিশেষভাবে আমি ধন্যবাদ জানাচ্ছি ডাঃ বায়কে। ডাঃ বায় আমাদের কথা অতি ধৈর্যসহকারে শুনেছেন এবং ধীরচিন্তে বিবেচনা করেছেন। যদিও তাব পক্ষে আমাদের সব যুক্তি মেনে নেওয়া সম্ভব হয়নি, তথাপি তিনি আমাদের অনেক যুক্তি মেনে নিয়েছেন। সেজন্য আমি আবার তাঁকে ধন্যবাদ জানাচ্ছি।

মুসলমানদের সম্বন্ধে আমি দু'চারটি কথা বলবো। যে সব কথা আজ বা কাল এই পরিঘটককে শুনেছি তাব একটা কথাও আমার কাছে নতুন নয়। আমাদের সংশোধনী প্রস্তাবসমূহ পেশ করার আগে আমরা এই সমস্ত বিষয় বিবেচনা করেছিলাম। আমার বন্ধু চাকরবাবু, হরিপদ বাবু এবং বন্দরজতা সাহেব বা পুন্ডরিক সাহেব যেসব কথা বলেছেন আমি ধৈর্য সহকারে সে সব কথা শুনেছি এবং সেসব সম্বন্ধে যথেষ্ট ভেবেছি। তারপরেও আজ আমি জেবের সহিত একথা বলতে পারি যে এই বিল বর্তমানে যে আকারে আছে সেই আকারেও মুসলমানের স্বার্থ সম্পূর্ণভাবে সংরক্ষিত হতে পারে। তা হবে কি না হবে তা সম্পূর্ণভাবে নির্ভর করে Government এর attitude এর উপর। অনেকে যা চেয়েছিলেন, সমস্ত refugee colony মেনে নেওয়া এই বিলে তা করা হয় নি। অনেক refugeeদের eviction এর ব্যবস্থা হয়েছে। যখনই eviction এর কথা হয়েছে তখনই আমরা ভেবেছি যাদের জমি দখল করা হয়েছে তাদের মধ্যে বহু গরীব লোক—হিন্দু ও মুসলমান আছে। পূর্ববঙ্গ হতে আগত উম্মাঙ্গ দ্বারা জমি দখলের জন্য তাদের উভয়েই কষ্ট হচ্ছে। এ বিলে তাদের সম্বন্ধে ব্যবস্থা আছে। এই ব্যবস্থার ফলে পূর্ববঙ্গ হতে আগত উম্মাঙ্গদের আসার ফলে যে জায়গা হতে হিন্দু বা মুসলমান বিতাড়িত হয়েছে, সরকারকে তাদের পুনর্বাসনের ব্যবস্থা করতে হবে—এ বিলে তাব পূর্ণ ব্যবস্থা আছে। স্ততবাং নতুন কোন বিলের প্রয়োজন নেই। সংশোধনী প্রস্তাব দেওয়ার আগে পুনঃ পুনঃ এ বিষয়ে আমরা বিবেচনা করেছি। কারণ একটি মুসলমানের এটুকু স্বার্থহানি হলে তা আমাদের প্রাণে আঘাত হানবে। আমি জোর সহকারে বলতে পারি এই বিলে এমন কোন ব্যবস্থা নাই যা দ্বারা মুসলমানের এটুকু স্বার্থহানি হতে পারে। যেসব গরীব মুসলমান ও হিন্দু পূর্ববঙ্গ হতে আগত হিন্দু উম্মাঙ্গদের দ্বারা আপন গৃহ হতে বিতাড়িত হয়েছে তাদের নিজ গৃহে পুনর্বাসন করা চাই। তবে এক্ষণ করার আগে উম্মাঙ্গ হিন্দুদের জন্য অন্য জায়গা বা গৃহের ব্যবস্থা করতে হবে। এ কথা মুক্তিলাভ কিনা মুসলমান বন্ধুদের ভাবতে বলি। তাদের রাগের কারণ কিছুই নাই। তারা ভবিষ্যতে এই ব্যাপারে আমাদের পূর্ণ সহানুভূতি এবং সাহায্য পাবেন। এখনও বলছি মুসলমান ভাইরা যদি ধীরচিন্তে ভেবে দেখেন তবে বুঝতে পারবেন

বে উচ্চা দেখান হয়েছে তার কোন প্রয়োজন ছিল না। যাতে গরীব মুসলমানেরা তাদের নিজ নিজ স্থানে ফিরে আসতে পারে সে বিষয়ে আমাদের পূর্ণ সাহায্য তারা পাবেন। এইভাবে দেখলে বিলের সম্বন্ধে আপত্তিজনক কিছু থাকে না। আমি বলবার আগে প্রধান স্বামী ও তাঁর সহযোগীদের আবার বন্যাবাদ জানাচ্ছি।

**8J. HARIPADA CHATTERJEE :** বানরীর সভাপাল মহাশয়, যখন আমাদের পার্টির নেতা বক্তৃতা দিতে উঠলেন তখন আমি ভেবেছিলুম যে, আমি আর বক্তৃতা দেবার সুযোগ পাব না। কিন্তু এখন আপনি আমাকে সেই সুযোগ দেওয়ায় আমি আপনাকে অন্তরের সহিত বন্যাবাদ জানাচ্ছি। বাংলা দেশে এই পর্য্যন্ত যেসবস্ত বিল এসেছে তার মধ্যে এই বিলটা সর্বাপেক্ষা গুরুত্বপূর্ণ সে বিষয়ে আজ কারও সন্দেহ নাই। আমাদের Partyর নেতা যা বলেছেন তাঁর পক্ষে সরকারীক বিবেচনা করে কথা বলা উচিত ছিল। সমস্ত জেনে এবং দেখে শুনে আমি এইক্ষেত্রে কিছু নাহলে থাকতে পারছি না। কালকে আমি মুসলমান ডায়েরীর সঙ্গে ভোটা দিতে যাইনি বলে নিজেকে অপরাধী মনে করছি। এবং আজকে নেতাদের বক্তৃতা শুনে আমার দৃঢ় বিশ্বাস হয়েছে এবং তাঁরা যতই বোঝাবার চেষ্টা করুন না কেন, আমি এটা বুঝতে পারছি না যে, এই বিলে কোথায় মুসলমানদের স্বার্থ সম্পূর্ণভাবে রক্ষিত হয়েছে। তাঁরা এই জিনিষটা কোথায় কিভাবে দেখলেন আমি বুঝতে পারছি না। এই বিলে বহু চেষ্টা করেও আমরা Muslim displaced person এই কথাটা কিছুতেই নোকাতে পারিনি। তা যদি হত তাহলেও বুঝতে পারতাম মুসলমানদের সত্যিকারের একটা ~~রক্ষা~~ <sup>সংরক্ষণ</sup> হচ্ছে। Clause 2এ কেবলমাত্র displaced person বলা হয়েছে। সেখানে Muslim displaced person এই কথাটা রাখবার কোন প্রয়াসই করা হয়নি। Clause 4এ সামান্য একটা amendment যারা বলা হয়েছে যে, বাস্তবতার মধ্যে মুসলমানদের বাতীখর ছেড়ে দিতে হবে। সে amendment সরকার গ্রহণ করলেন না। অর্থাৎ বলা হচ্ছে এই বিলে মুসলমানদের স্বার্থ সম্পূর্ণভাবে সংরক্ষিত হচ্ছে। কি করে তিনি এই কথা বলেন, আমি বুঝতে পারি না। মুখ্যমন্ত্রী মহাশয় কালকে দিল্লী থেকে ফিরে এসে বলেছেন যে তিনি 4 weeks পূর্বে আরেকটি বিল আনবেন। তাতে মুসলমানদের অনেক সুবিধা হবে। তিনি যদি এমনই কিছু করতে তাহলে বুঝতে পারতাম। আমি খবরের কাগজে যতটা তাঁর বক্তৃতা পড়েছি ততো খণ্ডেই কান্না আছে; কারণ তিনি বলেছেন কতজন Muslim displaced person আছে তার কোন statistics নাই। Statistics চাড়া কি এ লাগে করা যায় না? Statistics-এর দোহাই কি একটা অজুহাত নয়? সত্যকে যদি দেখতে হয় তাহলে কালকে যে সমস্ত উদাহরণ নাম করেছিলেন এগুলি হচ্ছে typical case. পরেশ হাজি, শরণ বেগুমা এদের আমি নিজে গিয়ে দেখে এসেছি, evidence নিজেই তদন্ত করেছি। সত্যটা এ আমি কিছুতেই অবিশ্বাস করতে পারব না। আজ তারা বাস্তবতা হয়ে আছে। এদের একজনকেও রক্ষা করতে না পারলে বলব সেখানে সমস্ত administration has failed সে বিষয়ে কোনই সন্দেহ নাই। আজকে Government যদি একজন শরণ বেগুমাকে রক্ষা করতে না পারে অন্যান্য minorityকেও তাঁরা রক্ষা করতে পারবেন না এটা ঠিক। আমি বলব একজন minority যদি রক্ষিত না হয় তাহলে বুঝতে হবে law and order has completely failed. চাকুবাণু যা বলেছেন যার অনেক বাড়ী ও পোড়াজমি আছে সেট সমস্ত জমি বা বাড়ী requisition করতে পারবেন; সেখানে হিন্দু মুসলমানের কোন প্রশ্ন নাই। আপনাদের যদি বাস্তবতার প্রতি সত্যিই দরদ থাকত তাহলে এই eviction বিলটা অন্যরকমভাবে আসত। কিন্তু দুঃখের বিষয় মুসলমান minorityর কথা এই বিলে কিছুতেই নেওয়া গেল না। আমাদের পুরান নেতা এবং সংখ্যালঘুদের দরদী নেতা তিনি যা বলেছেন আমি তা মেনে নিচ্ছি। কিন্তু তিনি কি আর একটা চাপাচাপি করে এই টুকু টুকিয়ে দিতে পারলেন না? শ্রীযুত জ্যোতি বোস তিনিও কি একটা compromise করে এটা করতে পারলেন না? কেন বাস্তবতার মধ্যে জাতিভেদ হবে? আমরা তা করবই হতে দিতে পারি না। সভাপাল মহাশয়, যারা দুঃখ, যারা সর্বস্বহারা তাদের মধ্যে জাতিভেদ সৃষ্টি করা উচিত নয়। আমাদের মহান নেতা জাতির জনক গান্ধীজী এই জাতিভেদ দূর করার জন্যই সারাজীবন চেষ্টা করেছেন এবং এই জন্যই তিনি নিজের জীবন দান করেছেন। যদিও তাঁর পায়ের মলিকগার সমানও আমরা নই তবু তাঁরই আদর্শে আমরা গান্ধীনা একটু পথ চলার চেষ্টা করছি। (The Hon'ble Dr. BIDHAN CHANDRA ROY : তাঁকে আবার এখানে আনছেন কেন?) স্বামী আজ স্টট করে বসুন সত্যিই তাঁরা এই দুঃখ ও সর্বস্বহারাদের বীজতে চান কিনা। তাঁরা আজ পারলেন না পরেশ হাজি ও শরণ বেগুমাকে রক্ষা করতে। আজ এতগুলি লোক যে মুখা যাচ্ছে তাদের কি করে রক্ষা করা যাবে তার কি সত্যিই কোন পথ নাই। আজ বলা হচ্ছে ~~চায়~~ <sup>চায়</sup> ~~এই~~ <sup>এই</sup> পরে হবে; কিন্তু এক বছর ধরে যা দেখছি তাতে কিছুতেই বিবেকবুদ্ধি নিয়ে, ~~অন্তঃকরণ~~ <sup>অন্তঃকরণ</sup> দিয়ে, কিছুতেই

ডাউতে পারছি না। আজ কংগ্রেস ৩০ বৎসর ধরে দুঃস্থ ও সর্বহারাদের সেবা করে আসছে, কিন্তু কংগ্রেসের সেই আদর্শ এই বিলের মধ্যে দেখতে পাচ্ছি না, আজকে সংখ্যালঘুদের কথা এই বিলের মধ্যে আনতে পারছেন না। আজ ভেবে দেখুন কাগ্যীরের অবস্থা। সেখানে ৯০ ভাগ মুসলমান, তাদের কাছে আমরা কি কৈফিয়ৎ দিব যদি দুঃস্থ এবং সর্বহারাদের মধ্যে জাতিভেদের প্রশ্ন তুলি? আজকে কংগ্রেসের ঐতিহ্য আমরা নষ্ট করছি এবং যিনি জাতির জনক তাঁর আদর্শ যদি উপর থেকে দেখেন তাহলে তিনি কখনই আমাদের আশীর্বাদ করবেন না আমরা যদি বাস্তবতাদের বাঁচবার উপায় করে না দিতে পারি।

**Mr. JASIMUDDIN AHMED:** মাননীয় স্পীকার মহোদয়, এই বিলে বাস্তবহারাদের জন্য যে ব্যবস্থা করা হয়েছে তাতে আমি ব্যক্তিগতভাবে খুশী। আমার কারো উপর আক্রোশ বা হিংসা নাই। যারা দুর্দশার মধ্যে পড়ে আছে, তাদের উদ্ধারের জন্য যে চেষ্টা হয়, সেই চেষ্টা সব সময় প্রশংসনীয়। তিনু তিনু ব্যক্তি বিভিন্ন মতে বলেছেন যে, দুঃস্থ দুর্দশাগ্রস্ত লোকদের একটা ব্যবস্থা করা হোক। কিন্তু যে আকারেই বলি, যেমনভাবেই বলি এটা হিশু-মুসলমানের কথা নয়। যেখানে দুর্দশাগ্রস্ত লোকদের ব্যবস্থা হচ্ছে, সেখানে আরেকটি শ্রেণীর দুর্দশাগ্রস্ত লোকদেরও ব্যবস্থা করা দরকার ছিল। এই কথাই আমরা বলেছিলাম। কিন্তু সেইভাবে বিলটি তৈরী হয়নি। সেই শ্রেণীর দুর্দশাগ্রস্ত লোকদের কিছুই করা হয়নি, বরং অপরপক্ষে তাদের আরও বেশী কষ্ট হবে বলে মনে হচ্ছে। কলকাতা-বোম্বে-মাদ্রাস-তাদের নিজস্ব ঘরবাড়ী গাছপালার উপর তাদের যে অধিকার ছিল, এই বিলের দ্বারা তাদের সেই অধিকারকে ধানিকটা কমিয়ে দেওয়া হচ্ছে। অথবা তাদের সেই অধিকার নিয়ে ধানিকটা গোলমালের সৃষ্টি করা হচ্ছে। এখানে competent authority বলে একজনকে আনা হচ্ছে, এই competent authorityকে আবার সম্পূর্ণ ক্ষমতা দেওয়া হচ্ছে না। এই বিলের দ্বারা তাদের ধানিকটা incompetent করে দেওয়া হচ্ছে। কারণ, তিনি যদি মনে করেন তাহলে সিভিল কোর্টে নিয়ে যেতে পারেন। একদিকে civil courtকে টানা হচ্ছে, আবার অন্য দিকে তাকে বান দেওয়া হচ্ছে। কখন competent authorityর কাছে যাবে, আর কখন civil courtএ যাবে, তার কোন নির্দেশই ঠিকভাবে এই বিলে দেওয়া হয়নি। এই দুটো বিচারের মাঝখানে গোলমাল এসে উপস্থিত হতে পারে। এইসব সোয়াক্রাট পেরিয়ে চাক্ষু বা বলেছেন, আমি তার ধানিকটা বিগ্ৰাস করি। কিন্তু বিলের দ্বারা কর্কড়া তাঁরা যদি মনে করেন, এই বিলের কোন সোয়াক্রাট নাই, তাহলে তাঁরা তাঁদের দাবি নিয়ে এটা চালাবেন। আমার মনে হয় এই বিল যেভাবে ভাড়াভাড়া করা হয়েছে এবং যে পরিমাণে short notice দেওয়া হয়েছে তাতে এক short-notice Bill বলতে চলে। এখানে চাক্ষুকে সোয় দেওয়া হয়েছে, তিনি ঠিক সময় amendment দেননি বলে। আমাকেও হয়ত সেই কথাই বলবেন। কিন্তু এমন সময় বা সুযোগ উপস্থিত হয়নি। এই short noticeএ তালির পর তালি পড়ল। একপক্ষে হরেনবাবু আনলেন, তারপরে সুনীলবাবু আনলেন, তারপরে সেটা ছাপা কাগজে বেঙ্গল এবং সেটা বেখাপ্পা হয়েছে মনে করে, শ্যামাপদবাবু আরেকটা তালি মারলেন। স্তবরাং এইক্রমে আমরা কোথায় কি করব তা ঠিক করতে পারছি না।

**The Hon'ble BHUPATI MAJUMDAR:** আপনি করতালি দিন। (A VOICE: শুধু করতালি কেন, হরিবোল আর করতালি দুটোই দিন।)

**Mr. JASIMUDDIN AHMED:** শুধু হরিবোল কেন, আপনারা “বল হরিবোল” বলুন। নবীয়া থেকে প্রেমের বন্যা আস্ত্র হয়েছে, সেই প্রেমের আর সীমা নাই। এই প্রেম দিতে দিতে সুনীলবাবু হয়রান। যদি বলতে হয় competent authorityর কথা তাহলে আমি বলব, সুনীলবাবু একমাত্র competent authority তিনি শুধু competent authorityই নন, তিনি Advocate-General ও। যা তিনি করেন, তাতে আর ট্যা ফৌ করার উপায় নাই। J. C. Gupta মহাশয় বলেছেন eviction করা হবে; কিন্তু তার মধ্যে একটা স্তম্ভ পরিবেশ সৃষ্টি করা সম্ভব হয়নি। যখন competent authorityর কাছে নালিস হবে, তখন তাঁরা ইচ্ছা করলে outside কি inside the scope of the Bill বলতে পারেন। আজকে বাস্তবহারাদের মধ্যে কতগুলি বাস্তবধু চুকে পড়েছে; এটা বড়ই দুঃখের বিষয়। এই বিল যেভাবে ক্ষিপ্তগতিতে চলেছে, তাতে কতদূর কার্যকরী হবে বা শাক্য লাভ করবে সে বিষয়ে আমাদের মনে খেঁচ সন্দেহ আছে। ভাড়াভাড়া বিল করানো, তারপরে তাকে কার্যে পরিণত করতে যদি দেরী হয়, তাহলে আরও গোলমালের সন্ধাননা আছে। সুরেশবাবু বলেছেন, মুসলমানরা “দুঃস্থের দার হয়েছ, তারা না ঘরকা, না বাটকা”। সুরেশবাবু মুসলমানদের যদি এভাবে দরদী হন, তাহলে তিনি আমাদের কাছে এসে আমাদের কি বক্তব্য জিজ্ঞাসা করতে পারতেন? হাঁ।

কি কোন জ্ঞান নাই যে, যে সমস্ত পুরীষ লোকদের জমি বেআইনীভাবে দখল করা হয়েছে, তার মধ্যে অধিকাংশই পুরীষ Muslim labourer. তিনি ত বহুদিন labour নেতা হিসেবে তাদের মধ্যে কাজ করেছেন, তিনি কি এইটুকু বুঝতে পারছেন না। যদি তিনি নেতা হয়ে বুঝতে না পারেন, তাহলে তাঁর নেতৃত্বকে আমি বিত্বকার দেই।

আমার মনে হয় যে, এই বিলে যার জন্য মুসলমানদের তরফ থেকে এই স্বীকৃতি আক্রমণ করা হয়েছে সেটা হচ্ছে স্বীকৃতির নিজেদের agreement-এর sanctity রক্ষা করার জন্য, ও মুসলমানদের পক্ষ থেকে যেসমস্ত প্রস্তাব দেওয়া হয়েছে তার একটাও গ্রহণ করতে না পারায়। যে কারণে তারা এরূপ করতে বাধ্য হয়েছেন Dr. Suresh Chandra Banerji সেই কারণটাই ঝাঁকড়ে বসে থাকতে চান। যে যোগাযোগে এই agreement হয়েছিল, তার মধ্যে মুসলমানও যদি থাকত, তাহলে এই ছবিখটুকু তাঁরাও একটু কেড়ে নিতে পারতেন। এবং সেইজন্যই বোধ হয় তিনি বলেছেন এই বিলে নতুন কোন amendment করার দরকার নাই, সব ঠিক আছে। দাদের চুলকানির দাবী আর দিতে হবে না; যেটুকু দাবী দরকার সেসব এর মধ্যে আছে। (Laughter.) আমাদের আলা সব নিবারণ হয়ে গিয়েছে। আমাদের আলা সবশ্য আপনাদেরও আলা। Refugee Eviction Committee-র সম্পর্কে আমাদের ফর্ম আমরা দিতে পারি, বদলদোজ সাহেবও দিতে পারেন; মুসলমানের ফর্মগুলি আপনাদের কাছে দেয়া ১০০ শতাংশের কত per cent. তাদের মধ্যে দিতে পারেন তা দিন; দিলে পরে আর এরকম বিলের প্রয়োজন থাকবে না। তখন নেতৃত্বের ও বাহাদুরীর পরীক্ষা হবে। লেলিয়ে দেওয়া সমলে অনেক নেতৃত্ব করা যায়, কিন্তু গড়ে তোলবার মধ্যে নেতৃত্বের বাহাদুরী থাকা চাই। এই বিলের মধ্যে এমন কোন মন্তব্য নাই, যাতে হাজার হাজার লক্ষ লক্ষ চেপে প্রত্যেক refugee-র গলায় বেঁধে দিলেই যে এর কোন প্রতিকার হবে তা নয়; প্রতিকার হবে যখন সকলের মধ্যে মিল থাকবে। Government একান্তভাবে বড় বড় লোকের মধ্যে থাকলে হবে না। সাধারণ লোক এর মধ্যে যখন আসতে পারবে, তখন তারা এই জিনিষটাকে ভাল করতে পারবে। পরিণেমে আমার কথাটা অগ্রাহ্য হবে। শ্রীযুক্ত যোগেশ চন্দ্র গুপ্ত বশাইকে বলব, তাঁর মত লোকের “এই two-nation theory বাধীরা ও সুন্নিরা লীগ এই সব করেছে”—এই বিল আলোচনা কাশে এই কথা না বলাই ভাল। Refugeeদের জবরদখলের দ্বারা মুসলমানদের উপর যে অত্যাচার না হয়, তাদের মতন লোকের এই সব ছোট ছোট কথার দ্বারা তার চেয়ে অনেক বেশী অত্যাচার হয়। Two-nation theory উঠতেই না, যদি এই রকম কথা one-nation ওয়ালাদের মুখ থেকে না বেরুত।

**DR. SURESH CHANDRA BANERJI:** On a point of personal explanation, Sir. আমার সম্বন্ধে অনেক কথা বলা হয়েছে, সেজন্য আমিও একটু বলতে চাই। এই বিলে আমরা খুব ভেবেচিন্তে amendment দিয়েছি—আমি এবং ডাঃ প্রফুল্ল বোষ। যদি বুঝতাম যে, এই সকল amendment দেবার কালে মুসলমানদের অনিষ্ট হবে তবে নিশ্চয়ই আমরা দিতাম না। যদি দেখা যায় এই আইনের দ্বারা মুসলমানদের স্বার্থ সংরক্ষিত হচ্ছে না, তখন যদি Government একটা নতুন বিল আনেন আমরা সর্বাঙ্গতঃ করণে সেই বিল সমর্থন করব। আমি আমার বলছি—আমি মনে করি এই আইনটা এইভাবে বসেই, নইলে আমরা এই ধরনের amendment দিতাম না। তবে ভুলবাস্তি মানুষের হতে পারে। আইন একভাবে হলেও তার ব্যাখ্যা অন্য রকম হতে পারে। যদি দেখা যায় যে displaced মুসলমানদের স্বার্থ রক্ষা হয় নাই এবং গভর্নমেন্ট যদি সেজন্য একটা বিল আনেন তা আমরা সমর্থন তো করবই, তাছাড়া আমরাই গভর্নমেন্টকে বলবো আর একটা বিল আনবেন অন্য।

**Janab MOLLA MOHAMMAD ABDUL HALIM:** Mr. Speaker, Sir, during the discussion of the squatters Bill some honourable members of the treasury benches made some remarks which I think should not go unchallenged. Sri J. C. Gupta, accused Janab Badrudduja of his association with the two-nation theory. Sir, I have the greatest respect and regard for Sri Gupta, but I accuse Sri J. C. Gupta of reviving the old two-nation theory and playing with it. Sir, India was divided, but what was the psychology behind the division of India except a desire of a section of the people to have the reins of Government in their hands? Sir, Bengal was divided and what was the psychology that was working behind that

viviscation but a desire of a certain section of the people of Bengal to have the reins of Government in Bengal in their hands. So if Mr. Badrudduja is guilty, Sri J. C. Gupta is equally guilty. I would therefore request Sri Gupta to search his heart and turn torch light inward. Sir, if Sri Gupta tries to raise, I am sure he will realise that what I say now is true. Mahatma Gandhi tarred with the same brush those who demanded the division of India as well as those who demanded the partition of Bengal. So it is no use vilifying the Mussalmans today. If what both the Hindus and the Mussalmans have done is wrong, we are all equally guilty. If we have to bemoan it, we must all do so in sack cloth and ashes. My revered friends, Sri Charu Chandra Bhandari and Sri Haripada Chatterjee have taken up their cudgels to protect the Mussalmans. They have burnt their boats. They have been so to say outcasted. They have been subjected to persecution and prosecution and that for what, Sir? Because they have stuck to their guns, they have upheld the principle which they had been taught by their master to uphold. And for that they have suffered a great deal. What pains us, Sir, is that we, Mussalmans feel absolutely helpless and demoralised. We cannot even cry out when we are oppressed and molested. So persons like Sri Charu Chandra Bhandari and Sri Haripada Chatterjee come forward at the risk of their lives and at the risk of their property to give us protection. It has pained us much to see some members from the Treasury benches taunting at them. I cannot understand how educated men can hit at our benefactors in this manner. We have gone down to the lowest depth of degradation to indulge in cheap flings and gibes at persons who are our benefactors. We must bow down in humility and feel eternally grateful to them. Haripada Babu has been telling the House of horrible tales of sufferings of poor Muslims. He has done so for no other than humanitarian reason. But I do not know if what he has said has been taken seriously by those who have power to redress their grievances. If they had done so, hundreds of Muslims would not have roamed about in the district of Nadia, homeless and helpless. I would not take much of the time of the House. I only want to say this that Mussalmans of Nadia, hundreds of whom were bereft of their hearths and homes are still roaming about homeless and shelterless. There is none to look after them. Members of the treasury benches impute motives to Sri Haripada Babu and Sri Bhandari: and indulge in cheap flings and gibes at them, and those who have the power to help those people are sitting tight and laughing in their sleeves when those horrible tales are being narrated in this House. That shows to what depths of degradation we have gone down. I do not want to say much, but I only want to say to Haripada Babu and to Sri Bhandari that as we are helpless we cannot do anything in return for what they are doing for us. But our heart goes out in eternal gratitude to them.

**Sr. J. C. GUPTA:** Mr. Speaker, Sir, I thought that the third reading of the Bill would be occupied with suggestions as to how the provisions could be carried into effect speedily and satisfactorily. I was expecting that from all sides of the House, that those suggestions would be placed before the Government and assurances for the proper working of the Bill would be demanded. Instead of that we have found the repetition of those recriminating arguments. I was very sorry to listen to the fulminations of my friend Janab Syed Badrudduja. I believe he has done more injury to himself by what he has said here today than to me or to my colleagues. Sir, I shall explain what I mean by saying this. Sir, while pleading for the humane consideration for the displaced persons, the victims, I mentioned about the pernicious two-nation theory. I never mentioned the name of anybody who was either responsible for it or who had continued to believe in it. But somebody has thought that he should put the cap on; somebody thought that the cap fits him and in trying to excel in abuses

he has also said that I wanted the extinction of the two-nation theory by the extinction of Muslims. (Janab Syed BADRUDDUJA: I never said that.) This is exactly what I have noted down. This is what he has said: "Mr. Gupta wants the extinction of the two-nation theory by the extinction of the Muslims". They say a man judges others by his own standard. (Janab Syed BADRUDDUJA: As you judge others.) Sir, may I proceed without interruption. I did not say a word when Syed Badrudduja was speaking.

Sir, I wish along with the flow of language and the control of vocabulary he had a little more control of his ideas and some more balance of judgment.

**Janab Syed BADRUDDUJA:** Will you allow him to go on indulging like this in abuse and vituperation? Then you will give me a chance of refuting the allegations that he has been indulging in.

**Mr. SPEAKER:** A good deal has been said about Mr. J. C. Gupta's reference to two-nation theory, not by one speaker but by several speakers. You will allow him to explain and I do hope he will be allowed an uninterrupted say in this matter.

**Janab MUDASSIR HOSSAIN:** On a point of order. These are all irrelevant matters,, Sir.

**Mr. SPEAKER:** After all you should not say this. (Laughter.)

**Sr. J. C. GUPTA:** Sir, I was highly amused to hear from the lips of one who has whenever he met me mentioned to me what I have done for the protection of the Muslims risking the displeasure even of some members of my community. Therefore, I was very much amused that he should think of levelling these accusations. Somebody else could have done this, but let him test the accusations he has made. I am afraid that in a Muslim audience if he addresses and I am given an opportunity to address he will never be able to convince them that I wanted the extinction of the Muslims or I do not want the Muslim rights to be safeguarded. I must say that Syed Badrudduja has been unhinged a little—why a little, fully—after his experience of the recent by-elections in the Muslim community when the Muslim community as a whole refused to listen to communal preaching and communal pleading and have shown that the West Bengal Muslims do no longer believe in communal leadership, they want non-communal leadership, and that has unhinged him and he has now taken to another method. He has now resorted to creating a difference between West Bengal and East Bengal. That is another dangerous game. That shows how viciously his mind must be working as a result of his experience of a few by-elections in the Muslim constituencies where he toiled day and night, I know, to try and give a defeat to those persons who did not stand or who did not plead on communal lines.

Sir, I have never accused anybody here of being a member of a communal organisation but by the speech they have delivered they have condemned themselves more. Sir, if you look at the proceedings of the Assembly you will find that I am not accustomed to indulge in either personal abuses or personal recriminations. If you read my speeches you will not find any mention anywhere of any names, but it seems they all have taken upon themselves to emphasize this question. They thought that by bringing in this question that the East Bengal refugees are being given preference to West Bengal Muslims and even, to West Bengal Hindus, they are trying to create difference which they should all shun and avoid—any reasonable man should shun and avoid. I expected much more responsibility from one who is a representative of the people here not to indulge in these reckless allegations. (Shaik MOHAMAD RAFIQUE: Do



you come from East Bengal?) I come from East Bengal as Mohamad Rafique comes from West Punjab, but I have been able to shed narrow East Bengal mentality whereas it seems that the West Punjab mentality he has not been able to shed. I do not look upon the East Bengal refugees as East Bengal refugees.

Sir, a question has been raised that sanctity of property has been forsaken for the purpose of East Bengal refugees. Has Syed Badrudduja ever had an occasion to see a destitute and shelter-seeking person going to his house? Has he ever thought that the sanctity of property was being violated when a destitute person possibly spent a night in his house and asked for shelter? Those who are not destitute, those who have no place under those circumstances, I can understand them. I can understand somebody emphasizing, as many of us have done, that in order to accommodate the East Bengal refugees we must not overlook the interest either of West Bengal Muslims or Hindus. He knows very well that though I have every sympathy for the East Bengal refugees I do not want at the same time that the rights and the privileges of either the West Bengal Muslims or of the West Bengal Hindus should be violated thereby. I therefore say that let him not by trying to attack display a mentality which would only injure himself.

Sir, I would rather congratulate the sincerity of Mohamad Rafique. He has said communalism is in our blood. I know this blood has been imbibed of late. Communalism was not in the blood of the Indians, whether Hindus or Muslims. It was injected after the 1919 Minto-Morley Reforms and we are trying to put that blood out. Those who think that it is in their blood—(Janab Syed BADRUDDUJA: Don't talk rot.) Hard words break no bones and if it is his intention just to put me off my argument and irritate me, I am sure he will fail in his purpose. I have been too long in this House, as he was pleased to call me a seasoned parliamentarian. I know abuse is not to be replied by abuse, but when reason is put forward it will make him uneasy but the House will always listen to it. Then it has been said "why this indecent hurry"? "Why this has been done in that way I do not know". However, I do not think on personal matters I should say much. There has been one other thing which has been referred to. Why did Dr. Roy speak about statistics? Sir, we must realise while this Bill was put on the legislative anvil, Government, if they had to carry out the provisions of the Bill, was to be assured on the basis of statistics and figures what amount of money should be at their disposal to enable them to fulfil the provisions of the Act. Similarly, Dr. Roy pointed out that statistics of the displaced Muslims was necessary in order to obtain the necessary assurance from the Centre for providing the money which would be required for the purpose of helping those displaced persons. Many speakers have criticised. Of course Dr. Roy spoke about statistics, but he also mentioned about consultation with Pandit Jawaharlal Nehru and others. I believe that statistics were considered necessary, because if you want really to do good to the Muslims just as in this case, while making provision you have got to go on the basis that, say, Rs. 2,000 would be available for the purpose of rehabilitating one of those refugees. Similarly, after statistics is obtained, Dr. Roy would be in a position to let the party which would provide the major portion of the fund know what would be the money required in effectively doing this thing. That is why statistics are required and my friend who has criticised Dr. Roy for mentioning statistics has overlooked that point of view.

The next criticism that has been made is about absence of provision about the Muslims. Haripada Babu has very strongly criticised that there is actually no provision in the Bill for the Muslims. May I request Haripada Babu to see the amended section 14 and section 4?

**SJ. HARIPADA CHATTERJEE:** Sir, he has misquoted me; I have never said that.

**Mr. SPEAKER:** Let us hear him.

**SJ. J. C. GUPTA:** I had some hand in suggesting some of these things. Now, it is said when it is the only shelter or only means of livelihood of any person, "person" includes Hindus and Muslims. Therefore I say that it provides, that the owner of any land, whether he is a Hindu or a Muslim, whose only shelter or only land on which he maintains himself, that land would not be acquired. But that is not all. Something further has got to be done.

**SJ. HARIPADA CHATTERJEE:** Sir, he is talking of acquisition. What about the displaced Muslims?

**SJ. J. C. GUPTA:** We on this side of the House are aware of the necessity of going a little further. And there has been an assurance more than once from the Leader of the House that this will be done. Dr. Banerji and others who had a talk with Dr. Roy on this matter have no reason to doubt that he has taken a very bold stand. He has taken a very human stand to help both the displaced Muslims or the displaced Hindus. He will try to do his utmost. But this will be judged later on, and we will have to wait for the action. I can understand their criticisms, but to say "nothing is done", "nothing will be done" is only to give way to a sense of frustration which I certainly do not want to be done. Now it has been said and my friend Jasimuddin Sahib also objected to my reference to two-nation theory. I say again, I say to my Hindu friends that if they think in terms of Hindus and Muslims after the Constitution has enjoined upon us to make no discrimination, they are as much guilty of believing in two-nation theory as the Muslim friends who are thinking in terms of Hindus and Muslims among themselves. The accusation of two-nation theory I level against those who still go on speaking in this direction and I can assure my friend Janab Jasimuddin Ahmed that I am not at all thinking only of the Muslims.—I again repeat what I said—this uprooted humanity are the victims of the communal virus born out of that pernicious two-nation theory. (Janab Syed BAKRUDIN: Who still cherishes that!) I never said that but they should not have put that cap on and condemn themselves.

In conclusion I will plead that the Bill has been passed but the provisions have got to be executed. Now, it has been said that the Resistance Committee should be consulted. Certainly the Resistance Committee can make themselves indispensable by placing the facts and figures in their possession. If they supply facts and figures of the real refugees and of the pseudo-refugees before the Government, the Government will then realise the importance of facts and figures and it will help them in carrying on, because if the Government officers are left to themselves it will take some time. If they have got all these facts and figures I will beseech them to place those facts and figures before the Government and when the necessary, important, and essential facts and figures are put before them, Government will be bound to consult them, they will be bound to listen to them. I also wish to make another suggestion in order to implement the provisions of this Act. Some of my friends have thought "well, do not break up the colonies; let them remain where they are." Sir, my impression is that in the colonies there is not a satisfactory arrangement for sanitation and for water-supply as there should be. If that is not possible in a colony, and if this Government makes better arrangement for sanitation and for water-supply, etc., I think it would not be to the interest of those displaced persons to insist on their remaining in insanitary condition or where they are inconvenienced. The amendments put forward

provide as far as possible for equal opportunity. Therefore, from now let the Resistance Committee apply their mind as to which are the places which are most suitable. If it is a land of a millionaire and if that is within the limit of the amount of money that has to be given, then certainly they should insist, and we should all join hands with them, that that property should be acquired, but if it will deprive somebody of the only means of livelihood—be he a member of the Muslim community or of the Hindu community of West Bengal—then I will ask the Resistance Committee to use their good offices to persuade them not to insist upon a course like that. In that way, Sir, we can all co-operate together to implement the Act in the most humanitarian way. My friend Janab Mudassir Hossain has been obsessed with the idea about the sanctity of private property and says that the whole Bill is *ultra vires*. Sir, I shall appeal to him and say that there is something like the sanctity of human life, human consideration and that should be applied in regard to the rehabilitation of a person, be he a Muslim or a Hindu. Sir, I am much thankful to you for giving me this opportunity of replying to my friends. Sir, I have not addressed them in any spirit of abuse though they in concert thought fit to inflict on me abuses. I have been too long in this House and too long I have lived to receive abuses. We know, Sir, how to get garlands, also how to get abuses and how to get stones and therefore it does not affect me. But, Sir, I appeal to them not to forget that when they have come here to benefit some persons they should not indulge in personal recriminations or they should not take a one-sided view of things and they should not think of one question only overlooking every other consideration. Let us all put our heads together to implement the provisions of the Bill so that no injustice is done to any one, whether he is a Hindu or a Muslim. I again beseech them not to talk of Hindus only, not to talk of Muslims only but to talk of the uprooted humanity. (Loud applause from the Government Benches.)

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** Mr. Speaker, Sir, rising at this late hour I would begin by congratulating all sections of this House who have given their careful and meticulous consideration to the provisions of the Bill and have made serious and honest efforts to improve the provisions consistently with the object of the Bill. Sir, it is obvious that a Bill which seeks to implement seemingly contradictory propositions—I say seemingly—because in reality there is no contradiction, will invite criticisms from different sides of the House and may even be misunderstood by certain sections, because after all our approach must be different. So far as the Bill is concerned, it can be viewed from one angle by one section and from another angle by another section of the House. Sir, some section might stress the question of eviction, may be afraid that their community will be hit by the provisions of conditional eviction, another section might think that sufficient provision has not been made for the rehabilitation of the displaced persons or *bona fide* refugees. A third view, I find, is quite possible, namely, to promote the cause of persons who are really out to create chaos. All these approaches, all these attempts and endeavours to understand and misunderstand the Bill, are quite possible. This is, Sir, nothing unexpected; but what is unexpected is when a sensible person comes forward to misinterpret the provisions of the Bill which really mean something very different from what he thinks about them. Mr. Jyoti Basu observed that so far as this Bill is concerned, it does not provide any protection whatsoever for the small owners. What else then has been provided for in the new proviso that finds place in sub-clause (2) of clause 4 of the Bill, I mean the amended clause 4, which says: "Provided that no land shall be acquired in pursuance of this section except with the consent of the owner thereof if the owner is entirely dependent for shelter or livelihood on such land". Sir, this clause gives protection to the small

owners. (Sj. HARIKADA. CHATTERJEE: That is for acquiring.) (Shaik MOHAMAD RAFIQUE: For acquisition.) Quite true. But, Sir, nowhere it has been laid down in the Bill that a person who has been deprived of his house or land wrongfully must not get back his house under any circumstances. That is left to the competent authority to judge and decide and the Bill proposes, Sir, to set up that machinery to which both the wronged person and the person who seeks relief may go and it is for the competent authority to decide between the competing claims, claims of a person who wants the preservation of his rights and also the claims of a person who in distressed circumstances has come to occupy holdings belonging to others against the law of the land. It will be for the competent authority to adjudge the conflicting claims of these two parties and this Bill has certainly set up that machinery by which it will be possible to adjudge those claims. I believe, Sir, it is my friends Sj. J. C. Gupta and Mr. Jasimuddin Ahmed who have said that it will be the duty—after this Bill is passed into law,—of those persons who are interested in these small owners as well as in the refugees to bring them together before the competent authority and to promote a reconciliation between them. There will be much for the non-official bodies to do, bodies who care for the refugees on the one hand and care for the small owners on the other, when this Bill is passed into law. This Bill can only succeed in its object if it can secure that co-operation from the public and those who say that they are interested in this section or that. That being the case, Sir, there is hardly anything in this Bill which can raise apprehension in the minds of the small owners, on the one hand or in the minds of the refugees on the other.

Sir, there is another thing to be said. I can quite realise that there are certain persons in this House who feel very much disappointed over this Bill. They must be the friends of the pseudo-refugees on the one hand or they must be those who as I said before are out to create chaos. It will be very difficult for them to misinterpret the scope of the Bill after the manner in which this Bill has been amended and, Sir, they are mortally afraid that Othello's occupation will be gone. Now, Sir, it is quite true, as Mr. Jasimuddin Ahmed has said, that clause 4 of the Bill has been recast by stitches after stitches and patches after patches, but this is simply because we have to accommodate and adjust the different views on the subject.

The Government is quite prepared to acknowledge the services that have been rendered by the group in the opposition led by Dr. Banerji. It is quite true that he has been anxious to put forward their views and to explain the views of the refugees to the Government, and I am glad to find that he has also appreciated that the Government have been very reasonable on their part to accept those suggestions which could be fitted into the provisions of the Bill.

Sir, my friend Mr. Jasimuddin Ahmad's speech has been an admirable one. It stands in striking contrast to the speeches that have been made by some other members of his community. He has clearly pointed out that the success of the Act will depend not so much on the measure itself but on the co-operation enlisted from the public. I hope that co-operation will be forthcoming, and the Bill which has been passed after so much deliberations and with such care and necessary amendments will come to be appreciated in time both by the refugees on the one hand and the owners on the other.

Sir, I started by saying that this Bill is going to be a charter of rehabilitation, and I shall conclude by saying that it will be a measure of

reconciliation between the displaced persons and the permanent inhabitants of West Bengal. With that hope, Sir, I commend my motion to the acceptance of the House.

The motion of the Hon'ble Rai Harendra Nath Chaudhuri that the Eviction of Persons in Unauthorised Occupation of Land Bill, 1951, as settled in the Assembly, be passed, was then put and agreed to.

**Mr. SPEAKER:** This finishes the business so far as this Bill is concerned.

**Mr. JASIMUDDIN AHMED:** Sir, you have put the Eviction Bill to vote. But may I point out to you that the title of the Bill has been changed to Eviction and Rehabilitation?

**Mr. SPEAKER:** The motion was for the Bill as settled in the Assembly be passed.

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** That incorporates Rehabilitation.

#### Time-limit for speeches.

**Mr. SPEAKER:** There are two other items of business that will be carried over to tomorrow and the House will be adjourned till 3-30 p.m. tomorrow. It will be better if I have a list of honourable members who shall take part in the debate tomorrow so that I may regulate the debate accordingly.

Today my difficulty was that when we did start the debate on the third reading and Mr. Jyoti Basu began, I had a very small list of speakers but subsequently it increased and Mr. Rafique's name was given at the last. Therefore I felt a great difficulty in regulating the debate properly. So it will be better if I have the names of the speakers for tomorrow's debate so that I may adjust the time accordingly.

#### Adjournment.

The House was then adjourned at 8-50 p.m. till 3-30 p.m. on Thursday, the 12th March, 1951, at the Assembly House, Calcutta.

**Proceedings of the West Bengal Legislative Assembly assembled  
under the provisions of the Constitution of India**

THE ASSEMBLY met in the Assembly House, Calcutta, on Thursday, the 12th April, 1951, at 3-30 p.m.

**Present:**

Mr. Speaker (the Hon'ble ISWAR DAS JALAN) in the Chair, 11 Hon'ble Ministers and 57 members.

**STARRED QUESTION**

(to which oral answer was given)

**Mr. SPEAKER:** Questions standing in the name of the Hon'ble HEM Chandra Naskar will stand over.

**Goaeria and Rania Khals in police-station Falta, 24-Parganas**

**\*84. S. CHARU CHANDRA BHANDARI:** Will the Hon'ble Minister in charge of the Irrigation Department be pleased to state—

- (a) whether the Government is aware that the Goaeria and Rania Khals which were feeder canals to the Kantakhali Canal (police-station Falta, 24-Parganas) have been silted up;
- (b) whether any scheme for the re-excavation of the said Goaeria and Rania Canals is under the consideration of the Government; and
- (c) if so, whether the Government consider the desirability of taking up the scheme for execution in the financial year 1951-52?

**MINISTER in charge of the IRRIGATION DEPARTMENT (the Hon'ble Bhupati Majumdar):** (a) Yes.

(b) A scheme for the silt clearance of Goaeria and Rania Khals is under examination by the Irrigation and Waterways Directorate.

(c) The question will be considered after the examination, now in progress, is completed.

**S. CHARU CHANDRA BHANDARI:** মাননীয় মহাপরিচালক জানান যে এই Examination-এ কতদিন ধরে হচ্ছে এবং আর কতদিন চলবে?

**The Hon'ble BHUPATI MAJUMDAR:** It is very nearly over. So far as we have come to know, the cost would be near about Rs. 80,000.

**Mr. JASIMUDDIN AHMED:** What would be the length of the canal?

**The Hon'ble BHUPATI MAJUMDAR:** I do not know.

**S. CHARU CHANDRA BHANDARI:** এই কাজটা কতদিনের মধ্যে শেষ হবে, অর্থাৎ কতদিনে শেষ হওয়া আশা করেন মহাপরিচালক? তিনি যে বলেছেন nearly over আমি সেইজন্য জিজ্ঞাসা করছি কতদিনে শেষ হওয়ার আশা তিনি করেন?

**The Hon'ble BHUPATI MAJUMDAR:** If some money is saved from this year's budget—if we cannot spend all the money on other schemes—then it will be taken up in November or December.

## UNSTARRED QUESTIONS

(answers to which were laid on the table)

## Sale of sugar-candies in Calcutta

**24. S]. SIBNATH BANERJEE:** (a) Will the Hon'ble Minister in charge of the Food Department be pleased to state if there is any control on the purchase and sale by Calcutta traders of sugar-candies arriving at Howrah Station by Railways from other States?

(b) If the answer to (a) be in the negative, will the Hon'ble Minister be pleased to state what arrangement the Government propose to make sugar-candy available in the Calcutta market for the consumption of the public?

(c) If the answer to (a) be in the affirmative, will the Hon'ble Minister be pleased to state if any permit will be necessary to deal in sugar-candy in the Calcutta market?

**MINISTER in charge of the FOOD DEPARTMENT (the Hon'ble Prafulla Chandra Sen):** (a) There is no restriction on the purchase and sale by Calcutta dealers of sugar-candy imported from other States provided the retail price does not exceed Rs. 1-4 for *Dana* variety and Rs. 1-1 for *Kunda* variety per seer.

(b) It may be freely imported and the members of the public can purchase sugar-candy from the open market.

(c) Does not arise.

## Stock position of rice and paddy in the State in 1948-49 and 1949-50

**25. S]. DEBENDRA NATH SEN:** Will the Hon'ble Minister in charge of the Food Department be pleased to state—

(a) the opening stock in maunds of paddy and rice in the hand of Government in 1948-49 and 1949-50;

(b) total quantity of paddy and rice purchased during these two years, and the average purchase price per maund of paddy and rice;

(c) total quantity sold and the receipts from the sales respectively during each of these two years of—

(i) "A" grade rice,

(ii) "B" grade rice, and

(iii) wheat and wheat-products; and

(d) total quantity of closing stock of paddy and rice in maunds in those years?

## The Hon'ble PRAFULLA CHANDRA SEN:

Commodity.			1948-49.	1949-50.
			Mds.	Mds.
(a) Paddy	..	..	18,12,753	17,21,292
Rice	..	..	15,17,333	31,73,567
(b) Paddy	..	..	71,40,036	98,70,054
Rice	..	..	1,53,85,160	1,37,24,388
(c) Paddy	..	..	Average—Rs. 7-6-6 per maund.	Average—Rs. 7-6-9 per maund.
Rice	..	..	Purchase price—Rs. 15-6-0 per maund.	Purchase price—Rs. 14-3-1 per maund.

		Quantity.	Amount.	Quantity.	Amount.
		Mds.	Rs.	Mds.	Rs.
(i) Rice "A"	..	2,12,710	51,04,532	1,23,787	31,56,004
(ii) Rice "B"	..	1,32,85,450	21,78,48,102	1,34,46,996	22,12,68,049
(iii) Wheat and wheat-products.		91,08,580	14,89,81,242	1,24,56,073	20,96,32,117
				1948-49.	1949-50.
				Mds.	Mds.
(d) Paddy	..	..	..	17,21,292	33,03,041
Rice	..	..	..	31,73,667	30,42,835

**SJ. DEBENDRA NATH SEN:** With reference to answer (b) relating to purchase price, will the Hon'ble Minister be pleased to state as to how he has arrived at this purchase price?

**The Hon'ble PRAFULLA CHANDRA SEN:** I want notice.

**SJ. DEBENDRA NATH SEN:** With regard to the reply given as a whole will the Hon'ble Minister be pleased to state why the stock of rice given by him for 1949-50—31 lakh maunds—is shorter from the figure given by him on the same page by about 2 lakh 30 thousand maunds? I have calculated it from the figures he has given in this reply.

**The Hon'ble PRAFULLA CHANDRA SEN:** Is the honourable member referring to (d)?

**SJ. DEBENDRA NATH SEN:** I am referring to the figure given as maunds of rice for 1949-50 in (a) which has been put as 31 lakh maunds, but from the figures given by him, my calculation comes to 34 lakh maunds.

**MR. SPEAKER:** Figures given by him where?

**SJ. DEBENDRA NATH SEN:** It is spread over the whole reply. I will make it clear. If the Hon'ble Minister adds the stock of rice for 1949-50 and the purchase of rice for 1949-50 and the sale of rice for that year, then he will find that the stock he has given for 1949-50 is 30 lakh maunds but the stock would be 33 lakh maunds for 1949-50. Similarly, the stock he has given for 1948-49 is 31 lakh maunds, but it should be 34 lakh maunds. Thus there is a deficit for 1948-49 of 230,000 maunds and for 1949-50 of 284,000 maunds.

**The Hon'ble PRAFULLA CHANDRA SEN:** What is the basis of calculation of the honourable member, may I know?

**SJ. DEBENDRA NATH SEN:** I have taken the opening stock for 1948-49 and the total amount of rice purchased for that year. Then I have subtracted the total amount of rice sold in that year.

**MR. JASIMUDDIN AHMED:** On a point of order, Sir. Is it permissible that the Hon'ble Minister who is responsible for answering questions should also question the questioner?

**MR. SPEAKER:** It is a matter of calculation and naturally to enable him to give an answer he may clarify it, otherwise he may say "I want notice".

**SJ. BIMAL COMAR CHOSE:** May I explain what he means to say? If you add up the opening stock and the purchase, it does not tally with the



closing stock plus sales. If you add up the opening stock and purchase, this should be equal to the sales during the year plus the closing stock, but these two figures do not tally. I also found that and that is the question.

**The Hon'ble PRAFULLA CHANDRA SEN:** I want notice. I do not know—it may be due to wastage or loss in storage.

**SJ. DEBENDRA NATH SEN:** Will the Hon'ble Minister be pleased to state as to how this difference has arisen—the value of the stock at the end of the year 1949-50 is 7 crores 27 lakhs but the value of the stock at the beginning of the year 1950-51 is 7 crores 11 lakhs—so there is a deficit of about 16 lakhs here?

**The Hon'ble PRAFULLA CHANDRA SEN:** I want notice. I have already told the honourable member that it may be due to wastage or loss in storage. I do not know what it is due to.

**SJ. DEBENDRA NATH SEN:** I was wondering how can there be difference in figures between the value of the closing stock and the value of the starting stock—they are mere paper-shifting and nothing else.

**The Hon'ble PRAFULLA CHANDRA SEN:** The value of the closing stock may be less because there may be loss in storage. So, that is not difficult to understand.

**SJ. DEBENDRA NATH SEN:** Will the Hon'ble Minister be pleased to state how the value of the closing stock is arrived at and on what basis it is computed? Is it computed on the basis of the purchasing price or on the basis of the selling price?

**The Hon'ble PRAFULLA CHANDRA SEN:** On the basis of the purchasing price.

**Mr. SPEAKER:** Questions over.

#### **Annual Report of the Public Service Commission, West Bengal, 1950.**

**Mr. SPEAKER:** There is only one motion of Shaikh Mohamad Rafique that the Annual Report of the Public Service Commission, West Bengal, for the year ending 31st March, 1950, and the Explanatory Memorandum be discussed. Now I think this discussion will start, but the member moving the motion is absent. In any event before we enter into this discussion it will be better if we know in order to regulate the discussion as to how long you think that the discussion on this subject should occupy. There are two items today—the Calcutta University Bill and this item. Before the discussion starts I will request the members to give me an idea as to how long they think that this discussion should go on. In any event I do feel that the discussion on the Public Service Commission Report should be concluded early, so that we may have time to take up the University Bill.

There is another thing to which I wish to draw the attention of the House. In order to have no grievance about the time or anything of that sort, it is better that the Whips of the Opposition and the Government should come to an arrangement with regard to the time which the Government will require as well as the Opposition will require. And within that time both the Opposition and the Government should regulate their respective speakers. I will, therefore, request the Whips of both the parties to come into contact and come to a decision on these matters, so that we may have a calm discussion over the subject and at the same time full discussion over the same.

There is also one thing more to which I should like to draw the attention of the House. What I find is that sometimes things are said or done which the members ultimately withdraw. At the same time these receive publication in the papers concerned. I do not know as to whether it will be proper for me to prohibit the publication of such matters that have been expressed on the floor of the House but which have been withdrawn by the members. In any event I do desire that such matters should not be given wide publicity, for after all these utterances have been made and withdrawn. The reason is that such utterance when they come before the public, in my humble view, do not increase the prestige of the House and from that point of view I am mentioning it.

The next point which I would mention is that I realise that debates sometimes create passions and feelings and while such passions and feelings arise, things are said and done which are not proper. As a matter of fact, in our parliamentary procedure we should not attribute motives, or personal invectives, nor should we use abusive language. I will request the members to keep these things in mind, all the more for this reason also that it becomes very difficult and irksome for the Speaker to pull up every member now and then. Therefore I have alluded to these things just at the beginning of the debate, because I feel that the debate which we have to conduct may produce acrimony. I do hope that I will receive the co-operation of the members of this House to observe these elementary principles. Now the discussion will start, and, in the meantime, as I have said before, the two Whips of both the parties should come into contact and regulate the time. Before the matter starts, I think the Leader of the House wants to say something.

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** Sir, when the Report of the Public Service Commission was placed before the House, questions were asked on this report. I confess, Sir, that at that time I had not all the papers on all the matters with reference to this report, because I did not realise that there would be questions with regard to this report. Now, Sir, as I said on the last day, this is the only report which the Government placed before the Legislature. In the Government of India Act, 1935, there was no provision corresponding to Article 323(2) of the Constitution of India. Sir, Article 323(2) of the Constitution of India says this:

"It shall be the duty of a State Commission to present annually to the Governor.....a report as to the work done by the Commission in relation to that State, and in either case the Governor.....shall, on receipt of such report, cause a copy thereof together with a memorandum explaining, as respects the cases, if any, where the advice of the Commission was not accepted, the reasons for such non-acceptance to be laid before the Legislature of the State".

Therefore, Sir, the duty cast upon the Commission under section 323(2) is this that they will prepare a report and send it to the Governor.

Sir, on the last occasion there was a discussion as to whether the word "Governor" here means the Government or the Governor acting in his personal capacity.

Sir, there is another provision in the Constitution with regard to the report of the Auditor-General which again has the same language, namely, the report of the Auditor-General relating to the accounts of the State shall be submitted to the Governor or Raj Pramukh of the State who shall cause it to be laid before the Legislature of the State. But, Sir, in this particular case something more is required to be done. While the report is prepared by the Public Service Commission, it is to be presented by somebody on behalf of the Governor before the Legislature and I say with confidence

that the word "Governor" here means the Government, because the Governor has no means of knowing the matter as respects the cases where the advice of the Commission was not accepted and the reasons for such non-acceptance; it is the Council of Ministers of the Governor alone that can give this information and as the Governor is not here or cannot be here to present the report, it is obvious that the word "Governor" here means "Government" in the Finance Department.

Sir, a reference was made by the late Chairman of the Public Service Commission to the Controller-General as to what steps he followed and the reply was that he also did the same, namely, sent it to the Finance Department, because it is for the Finance Department to consider the report. Sir, when the new constitution of 1935 came into effect, as I said just now, there was no provision there for the preparation of a report. The question therefore was that what is to happen regarding the proceedings of the Public Service Commission in the course of the year as there was no provision made in the Act as to how the Government or the people would know what the Commission had done during the year. Therefore on the 24th April, 1941, there was a convention established at a meeting of the Council of Ministers in which the following scheme was adopted:—

- (1) All questions asked in the Legislature in relation to the Commission or to information to be obtained from it will be dealt with by the Finance Department, but any question relating to the action taken by the Government departments on a recommendation of the Commission will be dealt with by the department concerned.
- (2) An answer given by a Minister to a question asked in the Legislature in respect of information obtained from the Commission will be in the following form, namely:—  
 "by the courtesy of the Public Service Commission, I am able to supply the information asked for by the honourable member".
- (3) A member of the Commission will be present in Cabinet when the draft annual report is under consideration.

According to this convention, Sir, for the last 3 years, 1948, 1949, 1950, before the present Constitution came into force, a member of the Commission used to attend and discuss the various points in the report with the Council of Ministers. Then on this occasion in February last the same procedure was followed. I am coming to that. On the 17th August, 1950, the Secretary to the Public Service Commission forwarded copies of a report to the Secretary to the Governor with the request to let the Commission know the date of its presentation to the State Legislature. Simultaneously, the Secretary to the Commission wrote to the Secretary of the Legislative Assembly requesting him to make necessary arrangements to have the report placed before the Legislature as early as possible. The Secretary of the Assembly replied to the Commission saying that the report of the Commission was to be laid before the Legislature by Government and as it was a Government business, Government would have to allot a day for placing the report and that the Speaker had no authority under the rules to fix any date for presentation of the report. Copies of this correspondence were forwarded by the Secretary, Legislative Assembly, Secretary to the Governor also forwarded the letter received by him to the Finance Department of Government as the particular business was dealt with in that department. On the 24th August, i.e., 7 days later Government wrote to the Secretary, Public Service Commission, saying that it was against the rules of business to forward the report to the Secretary to the Governor and that it was also irregular to write to the Secretary, Legislative Assembly, for presenting

the report. Government presumed that the Commission's deviation from the existing convention was unintentional and that the Commission really intended to follow the correct procedure and that Government will discuss the report at a meeting of the Council of Ministers at which according to the established convention a member of the Commission would be invited. On the 29th August, the Secretary of the Commission replied stating—

- (1) that the Commission are quite unrepentant of having sent their report to the Secretary to the Governor instead of to the department of Government which deals with Government business relating to the Public Service Commission.
- (2) that in future they would follow the instruction if they were directed by order of the Governor that the reports were to be sent to some specified officer or to some specified department,
- (3) that the letter written to the Secretary, Legislative Assembly, was no doubt an act of superarrogation, and
- (4) the Commission would now invite the Ministry to read the report which they are confident will be found helpful and innocuous enough.

Sir, as suggested by the Commission, Government read this report and it was found that it contained a few sentences which, being matters of opinion or suggestions about procedure for transacting business by Government, were outside the scope of the report as required under Article 323(2) of the Constitution of India which I have just read out. The Public Service Commission was requested to consider whether they would follow the provisions of the Constitution in this respect. The action taken by the Commission is apparent from their letter, dated the 19th February, 1951, which has been placed before the House in which the Commission has clearly stated the position. The Commission came to the conclusion that the report should not contain advice to Government as to how to transact business or advice to Legislature as to how to discharge their responsibility or legal opinion which was either against the Constitution or in conflict with the opinion of the law officers. The Commission also corrected the tense in another sentence. In order that there should be no mystery about this report which was sent back to the Commission which the Commission corrected and sent back and which was subsequently placed before the Legislature, I will read out some of the portions which have been removed by the Commission in their February report. It has been suggested that the Commission then and the Commission now are not the same. This is an erroneous outlook or approach. As a matter of fact, of the 3 members who formed the Commission in August, 1950, 2 of them left on long leave preparatory to retirement in September and 2 new members were appointed so that virtually the Commission was reconstituted if you think in terms of the majority. The Chairman of the Commission retired sometime in December and the new Chairman took his place. Sir, I will now read out some of the portions of the report which were subsequently corrected.

The report goes on to say: The right of the Governor to make regulations specifying the matters in which either generally or in a particular class of cases or in particular circumstances it shall not be necessary for the Public Service Commission to be consulted, has been retained, but it has been laid down that all regulations so made shall be laid in less than 14 days before each House of the Legislature and be subject to such modifications either by way of a repeal or an amendment as the Legislature may in a session so make. I may say for the information of the House that no regulation has been framed after the 26th of January, 1950, as has been mentioned in the original report.

Then the report goes on to say: Although under section 372 of the Constitution the existing laws and regulations have been kept alive the Commission is of the view—it is not a matter of what the Commission has done but the Commission is of the view—that the regulations inherited by the Commission from the British days should be laid before the Legislature for examination at an early opportunity. Previous to the Independence Act regulations should only be made by the Governor in his discretion and the regulations themselves gave certain powers of exclusion only to the Governor acting in his discretion. The discretion of the Governor having been abolished by the Independence Act, the safeguard so imposed has vanished and it is necessary that the responsibility now laid on the Legislature should be undertaken without delay. Therefore section 372(c) of the Constitution retains the existing laws subject to the other provisions of the Constitution, and it is submitted that in the case of the regulations the provisions in the Constitution requiring the regulations to be laid before the Legislature should be considered paramount. This is, as would appear to every one who is present here, a matter of opinion or a suggestion which has been made by the Public Service Commission, and it does not refer at all to the work done by the Commission during the year. The report is to be a factual report of the facts that have been done by the Commission. Again, some of the regulations are probably *ultra vires* of the Constitution. For instance, regulation 35 states that in respect of posts specified in the Schedule and any other posts which the Governor originally in his discretion may by a special order specify it shall not be necessary to consult the Commission except on the claims of such candidates as may be nominated by the Government. This expression of opinion which was drafted under the regulations in the Act under which we work—whether it is *ultra vires* or not—is, I submit, not a factual report of the work done by the Commission. If anybody were to read section 320 he will find that in the new Constitution also—

**SJ. CHARU CHANDRA BHANDARI:** On a point of order, Sir. মননীয় মহোদয় যে রিপোর্টটা পড়ছেন, এটা তিনি পড়তে পারেন কিনা।

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** Sir, a great deal has been made out of the fact as if the Government has suppressed the report. They forgot—

**Mr. SPEAKER:** Mr. Bhandari, what is your point of order?

**SJ. CHARU CHANDRA BHANDARI:** মননীয় প্রধান মহোদয় পড়ছেন, সেই রিপোর্টটা হাউসের সামনে নেই। আমরা এই রিপোর্টটা হাউসের সামনে আনবার জন্য বলেছিলাম। কিন্তু এটা আমাদের সামনে না দিয়ে কি উনি এটা পড়তে পারেন?

**Mr. SPEAKER:** I have already stated on a previous occasion if any objection is raised to the reading out of a report of this kind on the ground that the report is not before the House, I think that report should be placed before the House and the member is entitled to a production of the report which the Chief Minister is reading from. According to our procedure, I think it should be laid on the library table. I would ask the Hon'ble the Chief Minister to place that report which he is reading from, before he can be allowed to read that report at all.

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** Sir, I have not understood your direction. I think I can read out the Report and then place it on the table.

Sir, this particular provision where the Commission expresses the opinion that the regulation under section 35 is *ultra vires*, I would refer to section

320 of the Constitution which says: Provided that the Governor of a State,—as regards other services and posts connected with the affairs of the State—may make regulations specifying the matters in which either generally or in any particular class of cases or in any particular circumstances—

**SJ. CHARU CHANDRA BHANDARI:** On a point of order, Sir. আমার প্রশ্ন হচ্ছে—রিপোর্টটা আমাদের সামনে আগে place করে, তবে পড়তে হবে। এই হচ্ছে নিয়ম।

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** I won't read if you don't want to know the position.

**Mr. SPEAKER:** I think I have got to uphold the point of order. You will do well to place a copy of the report on the table.

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** I will do that after I have read it.

**Mr. SPEAKER:** No, you cannot do that. As a matter of fact, if the Government wants to read a document, that must be placed before the House.

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** I did not want to read the report but I wanted only to dispel some of the suspicions.

**Mr. SPEAKER:** I do not object to that. But what I wish to say is that here was a document which the Hon'ble Chief Minister was reading from and an objection was raised that this document could not be read unless and until a copy thereof was placed before the House. The general procedure is that if an objection is made, a copy of the report should be made available in the House for the convenience of the members. Therefore if the Chief Minister wants to read out passages from this report, then according to the conventions he has got to place a copy of the report before the House before he can proceed further.

(At this stage a copy of the report was placed on the table.)

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** Sir, according to the Constitution the Governor of a State may make regulations specifying the matters in which either generally or in a particular class of cases or in particular circumstances it would not be necessary for the Public Service Commission to be consulted. (Loud noise.)

**Mr. SPEAKER:** Order, please.

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** Then the report goes on to say: this regulation is objectionable in many ways.

Sir, there is some misconception and I said the other day that the report I had was presented before the House and that was the only report I knew of. And a question was raised that there was another report. Therefore I took that up and found that there was another report and I am reading out from it; this regulation is objectionable in many ways; it militates against the very principle of appointing the best available candidates regardless of patronage and favouritism which is the object of the Public Service Commission and it is emphasised in section 60(I) of the Constitution that even under the British regime the Public Service Commission of the day objected to it. Sir, I do not know what objection was raised under the British regime. All I say is that if under the provisions of the old Act of 1935 or under the provision of the new Constitution the Governor considers that either generally or in a particular class of cases or

in any particular circumstances it would not be necessary for the Public Service Commission to be consulted, there was no need for any advice to be given by the Public Service Commission in a report. It was quite in order if the Public Service Commission were to send a letter to the Government to say that those were the things they objected to—that is a different matter—but the report must be a factual report of the work done and not only of the opinion that came into the heads of the members of the Public Service Commission or of the ideas that crossed their minds from time to time. There are good reasons to consider the regulations to be *ultra vires* of the Constitution and so it goes on to say, gives their own opinion—they may be lawyers, I am not a lawyer, therefore I am not in a position to give my opinion. Then it says, “A peculiar situation has been created in respect of regulation 31 which has laid down that in general the Commission is not to be consulted in respect of subordinate services for which departmental heads are appointing authority”. Sir, these may be suggestions and may be good suggestions which the Public Service Commission make to the Government for their consideration.

These regulations about which the report of the Public Service Commission are complaining are regulations which have been framed as far back as on the 1st of April, 1937—in exercise of the powers conferred by sub-section (2) of section 265 and sub-section (3) of section 266 of the Government of India Act, 1935, the Governor of Bengal is pleased to make the regulations. Those regulations are still operative. Therefore it is not correct to say, even if they were entitled to say so in the report, that it was *ultra vires* of the Constitution.

Sir, it is of course said that the Governor in those days was Governor acting in his discretion. Here again, Sir, I do believe, I have got facts to show, that in the matter of making these regulations it was not one which was entirely in the discretion of the Governor, but I am not quite sure on that point.

Then it goes on to say, “For all these reasons the Commission suggest that consideration of the existing regulations by the Legislature should not be long delayed”. Then it says—“Conventions—apart from the regulations there are certain conventions agreed upon between the Government and the Public Service Commission in former times”. These conventions, I have already read out to the members of the House. The main point in the convention was that the Governor in his discretion was the ultimate authority. This is entirely wrong so far as facts are concerned. The convention was that there should be a consultation between the Council of Ministers and a member of the Public Service Commission. That was so; the Governor in his discretion was the ultimate authority to decide on any matter in which the Public Service Commission was involved. That authority having been abolished it is necessary that questions of principles within the purview of the Public Service Commission should be dealt with not by the Hon'ble Minister separately but in consultation either with the whole Cabinet or with a committee of the Cabinet. Sir, in this matter again the report is wrong because the regulations have been from time to time considered by the whole Cabinet, not by any particular Ministry. The rule adopted by the Central Government and promulgated by the Ministry of Home Affairs and so on and so forth will on the 28th of August, 1949, be on the same line. It requires, when a Ministry even after second consideration of a particular recommendation of the Commission considers that it should not be accepted the case has to be referred to the Ministry of Home Affairs who will place it before a committee of the Cabinet consisting of the Prime Minister, the Home Minister, and the Hon'ble Minister

administering the department. In our case, I may tell the House, that these cases are placed not merely before a committee of the Cabinet but before the whole Cabinet. In cases in which the Home Minister or the Prime Minister happens to be the Minister concerned with the appointment, the Finance Minister shall be added to the committee.

Sir, these are suggestions, these are advices given in the body of the report which do not conform to the Constitution, namely, that it shall be a factual representation of the work of the Commission for the year.

Another convention which seems to be called for under the altered circumstances is that when regulations are placed before the Legislature under section such and such this should be accompanied with the views recorded upon them by the Public Service Commission. This again is a matter for consideration of the Government and I may say to the House that these are subjects which are being considered by the Government.

Apart from the report the Commission further suggest that a procedure should be evolved to suit the altered circumstances under which it would be possible during the course of the year to obtain the views of the Government as a whole on questions of principles and procedure. There are issues affecting more than one department which might crop up in the course of the disposal of the reference and it is accordingly necessary that a procedure should be settled for making references to Government from time to time and to obtain from them the collective views in order to ensure uniformity. Sir, this again is a matter to which I must refer in passing that this is a suggestion which I made at the first instance when I became the Chief Minister but we did not come to any finality with regard to it.

These, Sir, are mainly the matters which have been removed from this report by the Commission in February, 1951. In order to obviate the necessity of such references regarding appointments made without consultation with the Public Service Commission, the Commission suggest that the department should be required to compile full lists of appointments made by them at least once a month and forward them to the Commission with their explanation, if any, so that in appropriate cases the matter may be further pursued. This is again a matter which is under the active consideration of the Government.

Sir, these are the few points which refer not to the work done by the Commission in the course of the year as is required under the Constitution but which gave suggestions, advices and some amount of comment upon the way in which appointments should be made, which in the opinion of the Government is not in the right direction, but in any case it was the report of the Commission and therefore all that the Government could do was to send back the report to the Commission for their consideration pointing out the difficulties with regard to the report not being factual. After all, it is for a member of the Government to present the report to the Assembly and if there are matters to the Assembly about which questions may be raised, it is necessary for the Government to be sure that the Commission required those matters to be entered into in the final report. In this particular case, the Commission which is, as I have said before, a continuing body, preferred to alter and remove these matters from the body of the report. The Commission decided that according to the Constitution the report should be a report about the work done by the Commission and should not contain advice to the Government or to the Legislature on subjects which were outside the scope of the Commission and that inclusion of such extraneous matters in the report was *ultra vires* of the Constitution.



On receipt of the corrected report Government considered it at a meeting of the Council of Ministers on which a member of the Commission was invited, prepared the memorandum explaining the reasons for non-acceptance of advice in those cases where the advice was not accepted and placed them before the Assembly. Government have thus fully complied with the provisions of Article 323(2) of the Constitution of India. According to the Constitution the report must be restricted to the work done by the Commission and must not contain any extraneous matter and if on the ground that the first draft contained some extraneous matter the Public Service Commission thought of revising it to make it strictly factual and consistent with the provisions of the Constitution, the Commission only did the right thing. When the Commission revised its report and forwarded the same as finalised to the Government, the revised report and not the unrevised one is the only report, so far as the Government and the House are concerned.

An attempt has been made to confuse the House and the public only because there occurred in the meantime a change in the incumbency of the Chairman and members of the Commission. As stated before, the Commission is a continuing body, and its continuance is not affected by change of personnel. The personnel of the Commission may change in the midst or towards the end of a year. If so, it is the new members who must write the report of the Commission just gone by, and the old members are not called back to write or to approve of the report for the period of their incumbency. Similarly, if the previous members committed any mistake, irregularity or error of judgment by including in the report matters which are *ultra vires* of the Constitution it is for the new members to correct them. The extracts from the first draft that I have just read out the first Commission decided to delete, and I presented before the House the corrected report, and the House will now realise how baseless is the clamour that has been raised around these two reports.

**SJ. CHARU CHANDRA BHANDARI:** On a point of order, Sir, যে রিপোর্ট Government আমাদের সামনে পেশ করেছেন তার সঙ্গে একবারি পত্র আছে—তাতে রয়েছে—the Commission has, [therefore, decided to send to Government a revised report for the year ending 31st March, 1951], এই letterটা is a part of this report. অতএব যে রিপোর্ট আমরা পেয়েছি এই report যে revised report এই কথা লেখা আছে, এবং এই revised report presupposes an original report. অতএব যে report এখানে পেশ করেছেন সেটা original report নয়। অতএব আমরা একটা ruling তাই কোর্টটা আমরা consider করব। Original reportটা না থাকলে আমরা তার revised reportটা consider করতে পারি না। সেদিন মাননীয় স্পীকার মহোদয় ruling দিয়েছেন—বর্তমান যে Commission, this Commission is a continuing Commission. তারা পূর্বতন Commissionএর report re-examine করে revised report দিয়েছেন। অতএব সেই আগেরটার copy না পেলে কি করে চলেবে? সেই report ও এই report উভয় মিলিয়ে এক report করা উচিত।

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** There is no point in the argument of my friend Sj. Charu Chandra Bhandari. Anybody, any organisation, any association can correct its report before presentation. There are three stages. The writing of a report is one; submission of the report is another; and the laying of the report before the Legislature is the third step. Before the laying of the report, if the attention of the Commission is drawn to certain points in the report, it is open to the Commission to say "I shall continue to stick to the original report", but if they choose to state otherwise, it is always open to a particular organisation to change its report if some matters are pointed out which are against the Constitution or it desires to say anything of that sort.

**Sj. CHARU CHANDRA BHANDARI:** কিস্তি Commission সেটা বন্ধন না। যে original report দিয়েছিলেন তারপরে বন্ধন যে Commission has decided to send a revised report—অতএব the original report cannot be withdrawn.

**Sj. HARIPADA CHATTERJEE:** যে রিপোর্ট আগে দেওয়া হয়েছিল সেটা বর্তমান Commissioner দের signature-এ নয়। তাঁরা নিজেরা নতুন একটা report দিয়েছেন তাতেই তাঁদের signature আছে। যদি অন্য কারও signature-এ submitted হয়ে থাকে তা'হলে সেই report দেওয়া চলে না।

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** I have suggested several times, and I repeat, that there is only one report before the House. That report has been presented by me a few days ago, along with the information that is required under the constitution. There is no other report which the Assembly has cognizance of, so far as the Public Service Commission is concerned. (Sj. Haripada Chatterjee: বা: আর একটা রিপোর্টের কথা উনি স্বীকার করতেন যে submitted হয়েছিল by the other Commission.) Sir, if you look at the last line of the report you will find that it is stated: "The previous report may be treated as withdrawn". That shows that the Commission which is a continuing body did not desire that report should be submitted.

**Sj. CHARU CHANDRA BHANDARI:** After the submission the original report cannot be withdrawn.

**Mr. SPEAKER:** So far as this House is concerned, this House is to take cognizance of a report which has to be presented before the House by the Government as the report of the Public Service Commission for discussion, and that is the final report which is presented to the House for our consideration. What happened prior to that, cannot be the concern of us. The position is that the Public Service Commission presented or rather sent a report to the Governor at one stage, which is now admitted by the Hon'ble the Chief Minister as well as it appears from the letter to which attention has been drawn just now. But the same Public Service Commission withdrew that report before it was presented to the House and the House got seizin of the report, in the legal phraseology. Had the House got seizin of the report, then without the permission of the House that could not be withdrawn, but before the report was presented before the House and before the House got seizin of that report the Public Service Commission thought it right to regulate that report to make alterations therein and to say: "This is the final report, and the previous report is withdrawn". Whether the Public Service Commission was right or wrong is not for me to say. So far as this House is concerned, the report which has been presented for consideration as the report of the Public Service Commission is the only report which this House is entitled to discuss.

Now, so far as the previous report is concerned, I insisted upon its production in this House not as a report of the Public Service Commission to be considered under Article 323 of the Constitution, but I insisted upon its production because the Chief Minister was referring to a document which the Government is not entitled to do until and unless that document is produced before the House. I have followed the rules of the House of Commons where a Minister is not at liberty to read or quote from a despatch or rare State paper not before the House unless he is prepared to lay it on the table. Therefore the insistence on the production of that report is due to this that because the Chief Minister was reading it from that report in order to meet the criticism which was levelled on the previous occasion in

the House I insisted on the production of that report. Under the circumstances I do not understand as to how a member can say that that report should be presented along with this report in the same manner as this report has been presented. So far as the availability of a copy of the report is concerned, that is available now. But for whatever reason it is worth it cannot have greater sanctity than the final report which has been presented to this House. Under these circumstances I cannot but rule out the point of order which has been raised by Sj. Bhandari.

Now he is free to refer to that report and to criticise the Government for its omission or commission as he likes because that report is now available—not as a report but as a document to which reference was made by the Chief Minister, but the real report we have to consider is the report which has been formally presented in this House.

**SJ. ANNADA PROSAD CHOUDHURY:** May I be permitted to make a submission in this connection by way of clarification. আগেকার report, সেটা place করার জন্য আমাদের কাছে যে Explanatory Memorandum (advance) দেওয়া হয়েছে, তার paragraph numbering যদি আগেকার reportএ দেওয়া থাকে তাহলেও কি আমরা সেই report উল্লেখ করতে পারব না?

**MR. SPEAKER:** To that my answer is this that the Government presents the report with the Explanatory Memorandum: If there are mistakes in that Explanatory Memorandum on account of reference to something else you can criticise it right and left for whatever it is worth but nothing beyond that. Here is the Explanatory Memorandum submitted by the Government and you may criticise it, that it contains this mistake and that mistake and that is not worth the paper on which it is written. But this cannot be a ground to reject it.

**SJ. DEBENDRA NATH SEN:** Mr. Speaker, Sir, this House should be grateful to the Hon'ble Chief Minister for his introductory speech in which he made three admissions, firstly that there was a previous report, secondly that it was recalled and thirdly that it was revised at the instigation of Government. This has been admitted by the Hon'ble the Chief Minister and I also know that on the 22nd of November the Finance Secretary Mr. Das Gupta wrote a letter to the Commission asking them to revise the report in a certain way. I need not dilate on that point as that has been admitted. He could not give these facts on a previous day during the question hour in this Budget Session because as he said he was ignorant of it. As far as I know ignorance gives no immunity to any offender before the eye of the law. (The Hon'ble Rai HARENDRA NATH CHAUDHURI: What is the offence?) I shall come to that later. I do not know whether this ignorance will give the Hon'ble Chief Minister any immunity before the bar of this Assembly. In fact was he ignorant? Did he not know that on the 22nd November the Finance Secretary wrote a letter to the Public Service Commission asking them to change their report in a certain way? (The Hon'ble Rai HARENDRA NATH CHAUDHURI: Very properly it was done.) That is not my point. My point is: was he ignorant? When in January, 1961, the Public Service Commission members were asked to come and meet the Cabinet was not the Chief Minister present at that time and did he not meet the members of the Public Service Commission and give them directions as to on what lines the revision of the report should be made? So it becomes very difficult for us to believe that he was really ignorant of the position when I put the supplementary questions on this subject the other day during

question hour. While replying to one of my supplementary questions as to whether this report had been revised at the instigation of the Government he showed his temper.

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** On a point of order, Sir. The honourable member is casting a reflection on the Public Service Commission by using the word "instigation". The Public Service Commission is not present here. I don't mind the honourable member making whatever criticisms he likes of the Government but if the report really deviated from the statutory duties of the Public Service Commission the Public Service Commission was certainly entitled to recall it and to make corrections wherever necessary. The word "instigation" used by the honourable member casts a reflection on the Public Service Commission the members of which or the Chairman of which is not present to answer the honourable members on the floor of the House.

**Mr. SPEAKER:** Am I to understand that your objection is to the use of the word "instigation"?

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** It is an insinuation against the Public Service Commission. (Interruptions and cross-talks.)

**Mr. SPEAKER:** Order, please. Well, I will request honourable members not to indulge in cross-talks as this will rouse the passions high. So far as the use of the word "instigation" is concerned, well, I am not prepared to call it unparliamentary although I may say that it would be better not to use words which are not proper words so to say. I am not prepared to call that expression unparliamentary.

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** I would make myself more clear. I did not raise any question about the expression being unparliamentary. I simply wanted to say that by using that particular word a slur was sought to be cast on the Public Service Commission and I objected on that account. Sir, you may use nicest and softest words but if they are put in a very wrongful manner by imputing unjust slurs it becomes objectionable. That is what I objected to.

**Mr. SPEAKER:** But I believe that the Public Service Commission is open to criticism in this House.

**Sj. DEBENDRA NATH SEN:** Where convenient the Hon'ble the Chief Minister pleaded ignorance. Let me leave it at that. The point is that even in spite of his admissions now, the vital issues have not been touched and clarified. And what are the vital issues? Revision of the report apart, at the instigation of the Government, which by itself is a great question, there are other vital matters which affect not only this Province but the whole of India. The point is whether there is not an attempt on the part of this Government to undermine the independent status of the Public Service Commission and to treat it as an appendage of Government. As I will go on with my speech and develop it I will try to show that that attempt is going on and that that attempt and that conspiracy was hatched in the dark corners of the Secretariat in one of the darkest possible meetings of the Cabinet. These are the questions that arise in the wake of the discussion of this subject. That the report has been revised is not all the point. The points are these and I would list them one by one. Have the subsequent

members any right to recall and then change a report written by a previous body, by altogether different members and duly submitted to the Governor? That is the first fundamental constitutional question that arises out of this. The second point is even assuming that it was a continuing Commission whether some members of the Commission had any right to recall and change a report once submitted by their predecessors? Let me illustrate it by taking an example. Can a Judge, once he has delivered a judgment, recall that judgment unless it be on an appeal and unless it is recalled by a superior court or a superior authority. That is the second point. The third point is that the Government have unnecessarily postponed the presentation of the report duly submitted to them by not presenting it before the Assembly that met immediately thereafter. Let me make it clear. The first report was submitted on the 14th August. The Hon'ble Chief Minister makes it 17th I do not know where he gets that date but the date given here is 14th. In September we had a session. That is also another constitutional point. It cannot be left to the sweet will of the Government to decide as to at which session of the Assembly they will place the report of the Public Service Commission. The next fundamental question is—have the members of this Commission been appointed according to the Constitution, and the last point is whether the Public Service Regulations—now that the Constitution of India has changed the old procedure—should not be placed before the Assembly for necessary amendments and changes by the Assembly. These are the several fundamental and constitutional issues which arise out of the discussion of the report of the Public Service Commission. The mere fact of the admission by the Hon'ble Chief Minister that the report was revised does not mean much. It only goes to support the view that there was an attempt to convert the Commission into a packed house and thereby to greatly harm the interests of this State.

Sir, the democratic force in the world has since 1789, the year of the French Revolution, evolved two organs for the protection of democracy in a peaceful manner. One is judiciary and the other is the Public Service Commission. The former is aimed at checking the highhandedness and governmental terrorism and the latter is aimed at keeping the administration free from nepotism and corruption. If therefore it is found by this House and by the public that an attempt is going on to undermine the independent status of the Public Service Commission, they certainly have grave apprehensions and grave apprehensions have arisen in the minds of the members of this House as well as of the public.

Sir, I shall now examine, one by one, the constitutional points. Have the Commission members, I mean the same members who have submitted a report, any right to change a report once submitted? Sir, it is not provided for in the Constitution. I will refer to Article 323(2) which says that it shall be the duty of a State Commission to present annually to the Governor a report as to the work done. In submitting the first report it is said that "in accordance with the provisions of section 323(2) of the Constitution I am desired by the Public Service Commission to forward herewith this report". So that was formally placed before the Government by the previous members who then constituted the Commission. Now, Sir, had those members themselves after they submitted the report any right to recall that? I may here cite the examples of the High Court Judges. If once a judgment is delivered, can it be recalled by the same Judge unless there is an appeal? So even the very same members have no right to recall the report once submitted by them. If that is done, it creates a confusion and it becomes a child's play. If that is to be done, the Public Service Commission will one day submit a report, then will recall it and submit another report, again will recall it and submit a third report. Sir, it is unworthy of any

Constitution of any civilised country to do so. It is unthinkable from the common sense point of view and in the Constitution I do not find it. So we cannot accept the explanation given by the Chief Minister. One interpretation has been given by the Chief Minister and a different interpretation has been given by me. Now it is the question of one interpretation *versus* the other interpretation. But in that case there is a way out as has been suggested by my friend, Sri J. C. Gupta who has said, "Why not take the opinion of the Advocate-General"? But I would say that in such an important matter we should take the opinion of the Supreme Court or of the President of the Union of India or of the framers of the Constitution. If the Chief Minister's point of view is upheld, we will submit to it. But if it is not upheld, he will not be spared of the irregularities committed. When it is the question of one interpretation *versus* another interpretation that is the only solution.

Now, Sir, if the same members of a Public Service Commission have not the right to change the report once submitted, then I submit that subsequent members who are new have no right to change the report submitted by a previous Commission. That seems to be entirely an unconstitutional and fantastic way of doing things. We cannot conceive that such things should be done in a premier province like West Bengal which has got a fair name, and therefore I say that this is gravely unconstitutional.

I shall now come to another point. Has the Government any right to postpone the placing of a report of the Public Service Commission to any session that it likes? A report comes and then I keep it and after that when I find it convenient I place it before any session. The Constitution says that the Governor shall, on receipt of such a report, cause a copy thereof to be placed before the Legislature of the State. So on receipt of such a report or at the next available session it should be placed and Government has therefore no option to postpone placing it at any session of the Legislature.

Sir, my next point is, were the subsequent members appointed according to the provision in the Constitution? We have got three members now all of whom are *ex-servicemen*. The 1935 Act says—provided one member of the Commission shall be a person who had held office for at least ten years under the Crown in India. Now in our new Constitution that rule has been changed and Article 316(*f*) significantly provides that as nearly as may be one-half of the members of the Public Service Commission shall be persons who at the dates of their respective appointments have held office for at least ten years under Government. Therefore at least one-half or as nearly as may be one-half may be persons who had served under Government. So the implication is that not all the members should be *ex-servicemen*. Now in one of my questions I asked the Hon'ble Minister whether it is the practice to have non-officials on the Public Service Commission and the Hon'ble Minister replied that he did not know. But it makes the whole House realise that all our discussions become very unreal if such replies are given. Sir, the U. P. Public Service Commission has a non-official Chairman. The Assam Public Service Commission has got a non-official Chairman. I think all the Public Service Commissions—I say this is my information and that is correct information that all the Public Service Commissions save and except Orissa have got non-official members. The Union Public Service Commission has got non-official members and even today we have seen in the papers that a gentleman from the Lucknow University who is a non-official has been appointed a member of the Union Public Service Commission. They even kept it vacant because they could not get a non-official man—they did not fill it and they kept it vacant so long as they could not get a non-official man. That is the picture. In Bengal, during the Muslim rule even,

there were non-officials in the Public Service Commission. In the previous Public Service Commission also there were non-officials, but in this Public Service Commission there is not a single non-official. Sir, this is for building up my theory that there is a deliberate attempt to convert the Public Service Commission of this province into a packed house and to undermine its independent status.

Sir, I have given, in support of my case, two arguments previously—first that the Commission, whether continuing or not, has no right to change its report once it is submitted. I have then said that a report that has been submitted must be immediately placed before the Assembly. In both these respects, Government have acted unconstitutionally. Why have they perpetrated this—because they want to convert this Public Service Commission into a packed house, into a house having persons who will act as lap dogs—who will be doing the biddings of the Ministers. Then I have given the argument that in the appointment of the members the Constitution has been violated, the convention has been violated and the practice has been violated.

Sir, I now come to the next point, the point I was dealing with—the Public Service Commission Regulations, whether these regulations, now that a new Act has been passed, are to be placed before this House or not. The Act says “All regulations made under the proviso to clause (3) by the President or the Governor or Rajpramukh of a State shall be laid for not less than fourteen days before each House of Parliament or the House or each House of the Legislature of the State, as the case may be, as soon as possible after they are made, and shall be subject to such modifications, whether by way of repeal or amendment, as both Houses of Parliament or the House or both Houses of the Legislature of the State may make during the session in which they are so laid”. So, these Public Service Commission Regulations are to be placed before this House not for a day—not in this way coming and placing them so that nobody can go through them and come prepared, but they shall be placed for fourteen continuous days. Further, the Legislature has been given a right to make amendments and changes or throw out the Public Service Commission Regulations. The Hon’ble Chief Minister has said that this Act has come into operation on the 26th January, 1950, and all these regulations are made before that date and not a single regulation has been made after the 26th January, 1950. Sir, you will see in the revised report—this spurious report, as I call it—at page 5, that the last regulation that was made on the 25th January, 1950, i.e., all the regulations were being made so that this Ministry would not, according to their interpretation, have the obligation to place them before the Assembly. So, they took advantage to the utmost limit—they even passed regulations on the 25th January, 1950, as from the 26th January when the new Act came into vogue, it debarred them from making such regulations without placing them before the Assembly. But really, is that the interpretation? Are all the past regulations—Public Service Commission Regulations—sacrosanct? Has not this Ministry a duty to place them before us and has not this Legislature the right to see them, now that we have got a new Constitution, to revise them, to amend them as they like? Should the regulations which were made by Ronaldshays and Andersons continue? Should we not go through them now and adjust them according to the new spirit, according to the new Constitution that we have come to adopt? I think, this is also a very vital constitutional question. The Hon’ble Chief Minister has said that the Governor has a right to make regulations. Certainly, no one objects to that, but when he makes a regulation, that has got to be placed before us. The Chief Minister says “Because we have made all these regulations before the 26th January, we are not to place them before the House”:

I say, that is a wrong interpretation of the Act, and I say that this constitutional point also should be referred to the Supreme Court or to the President of the Indian Union for clarification. Now, let us look into these regulations—

**Mr. SPEAKER:** You referred to the analogy of judgments while discussing the unalterability of the report. I find under Order XX, Rule 3, that there is a specific provision: "Judgment shall be dated and signed by the Judge in open court at the time of pronouncing it and, when once signed, shall not afterwards be altered or added to save as provided by section 152 or on review". Section 152 says: "Clerical or arithmetical mistakes in judgments, decrees or orders or errors arising therein from any accidental slip or omission, may, at any time, be corrected by the court on its own motion or on the application of any of the parties". May I know from you as to whether there is any such law which you have been able to find out that a report like the report of the Public Service Commission, when once submitted to the Government, cannot be altered because so far as judgments are concerned, I find there is a specific provision in the law which is Order XX, Rule 3? It will be rather better to understand the implications of your objection if there be any such provision anywhere by which the report cannot be altered as there is in respect of judgments.

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** He is innocent of law.

**Mr. SPEAKER:** Please do not cast aspersion.

**Sj. DEBENDRA NATH SEN:** I have said that the Constitution does not specifically give any right to alter—it does not give any right to alter—that is the point that I have made and I think it has been highly unconstitutional. If there is anything which has not been specifically mentioned in the Constitution, then for that matter we shall have to depend upon conventions and examples and I have drawn the example from the High Court in support of my point of view and argument. The Hon'ble Chief Minister has tried to take his stand on this point that since these regulations were made long, long ago and before this Constitution came into vogue, therefore, they need not be placed. Why? Is he afraid or the placing would be an unconstitutional act on his part? Let us see what are the regulations. Is there something which is highly objectionable? Then why should not they be placed before us? Sir, I should like to draw your attention to section 372(I) of our Constitution. There it has been said: "Notwithstanding the repeal by this Constitution of the enactments referred to in article 395 but subject to the other provisions of this Constitution, all the law in force in the territory of India immediately before the commencement of this Constitution shall continue in force therein until altered or repealed or amended by a competent Legislature or other competent authority". It may be argued by the Chief Minister that under this section these regulations shall continue in force; but in the very same clause 372(I) the right has been given to us to alter them, to amend them. We demand to exercise that right and we demand that all these Public Service Commission Regulations, the relics of British Imperialist rule, should be placed before us for scrutiny. Let me now go into the five regulations that have been placed before us. All these regulations have but one characteristic in common, that is, they want to limit the powers of the Public Service Commission. They want to take the appointments to certain posts out of the purview of the Public Service Commission. So there is the same attempt to convert the Public Service Commission and to undermine its scope, its independent status. I will refer only to two of the five regulations that have been placed before us. One refers to the appointment of the Administrator-General. You will remember, Sir, that



over this post we had hot debates during question hours in this Budget Session. Generally speaking, the Administrator-General is appointed by the Judicial Minister and I have to point out that the appointment had been irregular and the personnel appointed have not been taken properly according to the responsibility—

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** On a point of order, Sir.

**Mr. SPEAKER:** What is your point?

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** On a point of correction, Sir.

**Mr. SPEAKER:** No, No. You can correct him later on.

**SJ. DEBENDRA NATH SEN:** Sir, this is the benefit, this is the privilege given to the Judicial Minister, that is, in the matter of appointment the Judicial Minister need not come to the Public Service Commission. Therefore, the appointment to that post has been taken out of the purview of the Public Service Commission.

Another regulation, Sir, excludes the appointment of the staff of the Commission from the purview of the Commission, particularly the appointment of the Secretary. This seems to be strange. Here is an independent body which is to function independently without any interference from the Government and, therefore, the Public Service Commission, apart from the fact of looking into the merit of the case, should have been given the right to appoint its Secretary, but it is not given any right to appoint its Secretary. Even the right to making selection has also been taken out of its purview and it has been retained by the Government directly.

These two regulations only reveal how and in what direction this Government is moving. It is moving in the direction of encouraging nepotism. It is moving in this direction that it should do as it likes in the matter of selection of personnel in big posts and that it should cripple the Public Service Commission in such a way by foisting a Secretary of their own on them, so that it can check the Public Service Commission and the Secretary may act as a detective upon the Public Service Commission. The Secretary may act as a vehicle for communicating everything that is happening there. Sir, it is preposterous, and it is dangerous for democracy, for everything that is dear to us. Sir, this is the nature of the regulations which are not being placed before us and which are being done by this Government.

Sir, I will now come to the point as to why the appointment of the staff of the Secretary was taken out of the purview of the Commission. Sir, the previous members unanimously recommended the extension of the services of the then Secretary, Sj. Benoyendra Banerjee, and they unanimously came to the conclusion that because of his brilliant services his period should be extended by two years. This was rejected by the Government without showing any reason. But there was a rumour that the then Secretary happened to go to the house of Sj. Sarat Chandra Bose once and, therefore, he was not acceptable to the Government. This the Secretary came to know and he wrote a letter to the Hon'ble Chief Minister that "for the last six years I have never visited the house of Sri Sarat Chandra Bose". Therefore the question does not arise in that case, but yet he has not been accepted; not only that, the whole post of the Secretary has been taken out of the purview of the Public Service Commission.

Sir, I now come to consider the explanatory note that has been submitted to us. It is a strange document as all explanations of the Government are, and it is worthwhile for us to go through it. There are five posts involving seven persons regarding whom the recommendations of the Public Service Commission were not accepted. I find that these five posts are distributed into the various departments as follows: one goes to the Food Department, one goes to the Education Department, two to the Home (Development) Department and one to the Irrigation and Works Department. I wonder why the other departments have been deprived of the benefit of the Public Service Commission. The benefit should have been extended to each and every department.

Now, Sir, let us take the gentleman of the Education Department. One person was first recommended by the Commission and he was rejected on the ground that he did not have the requisite academic qualifications. Then the Commission again recommended another person. He was also rejected on the ground that he had not got the requisite research work to his credit. (The Hon'ble Rai HARENDRA NATH CHAUDHURI: He should have experience of teaching Honours and Post-Graduate classes). Now, Sir, this gentleman is a Professor of Sanskrit in the Presidency College. Before that I think he was in the Rajshahi College, most probably as the Principal of the College. The gentleman has a first class Degree in Sanskrit, first class Degree in Bengali and also a first class Degree in Pali. Perhaps he has now been transferred to the Sanskrit College and at the time of the advertisement it was so given that all these things were to be combined in one man, and therefore this gentleman was recommended by the Commission to be the fit person for the post but he was rejected. Now, Sir, let us take the man who has been appointed. This gentleman is Dr. P. C. Lahiri. He comes from the Dacca University, is an M.A. of that University. I do not know whether he has come before or after the partition. Now, Sir, you know Dacca University was never known to have brilliant Sanskrit students. None of his thesis has been published. This gentleman has got one Degree. I would request you, Sir, to recall the questions that were asked by the Public Service Commission members to this gentleman and the answers that he gave. The members of the Commission were of the opinion that whatever this gentleman did in the past at the time of selection he was found that he forgot everything relating to Sanskrit. Sir, I will give you one example. Dr. Suresh Chandra Banerji was once a very good medical practitioner but I do not think that any one will risk taking his service for getting cured of his physical illness. However, Sir, this gentleman was 5th or 6th among the unsuccessful candidates and he has been appointed ignoring the unanimous recommendation of the Public Service Commission.

Then, Sir, as regards the appointment in the Home (Development) Department of Executive Engineers, Sri H. Banerjee and Sri S. S. Mitra have been appointed by Government but the Public Service Commission sent two other names and experts belonging to the Government of West Bengal were present at the time of interview of these persons. These experts were Sri T. Mitra, Chief Engineer, Works and Buildings Department, Sri S. Banerjee, Special Engineer, Construction Board, Home (Development) Department, and relevant papers were sent by Government for the purpose of selection of candidates. The Commission invited Dr. S. R. Sen Gupta of Bengal Engineering College for the purpose of examining these two candidates. However, Sir, the two persons recommended by the Commission were not accepted and the two reasons given are: the Construction Board, a body of experts who examined the suitability of the two candidates recommended by the Commission, expressed their doubt as to

the fitness of these two candidates. Sir, the Commission together with the three experts recommend persons but this Board, as if they are superior to all these people together, advise otherwise. Sir, we would have been glad if we could know as to who constituted this Board, these brilliant and superhuman experts of the Board. The other reason was that these persons were not readily available. Sir, if you read the remarks little below you will find "The two candidates recommended by the Public Service Commission were however offered somewhat similar posts by Government" and they have accepted them. In this case they have been readily available and all that but they were not given the posts for which they were recommended by the Commission.

Sir, I have brought this charge that a deliberate attempt is being made here in this province by the Government to undermine the independent status of the Public Service Commission and to convert it into a body of "yesmen". Sir, in support of that charge I have given you facts and figures and I have also shown to you how unconstitutional means have been adopted by Government for their own ends. Sir, these things, I again say, should not be allowed to go on.

**Sj. ANANDA PROSAD CHOUDHURY :** মাননীয় স্পীকার মহাশয়, আজকে Public Service Commission-এর report যা আমাদের সামনে উপস্থিত করা হয়েছে, সে বিষয়ে আগেও প্রস্তোত্তরকালে, অনেক বরাই আনবা শুনেছিলাম। এবং এই যে original report আজ আমাদের সামনে place করা হল, তা আগে যদি পাওয়া যেতো এবং একথা জানান হ'ত যে এরকম একটা রিপোর্ট পরে আসতে পারে তাহলে এত আলোচনা উঠতনা। কিন্তু এই report সম্বন্ধে ১২তম ধারায় আনন্দের সংবিধানে আছে —

"It shall be the duty of the State Public Service Commission to send annually to the Governor of the state a report as to the work done by the Commission."

এই বিষয়ে কিন্তু মাননীয় মন্ত্রী মহাশয় বলেছেন, যে report পেয়েছি সেই report-ই Assembly-র কাছে place করেছি। এবং এতে যদি কোন পরিবর্তন করা হয়ে থাকে তাহলে তা Public Service Commission-ই করেছে। আমি কয়েকদিন আগে মন্ত্রী মহাশয়কে অনুবোধ করেছিলাম ২২শে তারিখ নভেম্বরের, যে চিঠি Finance Department থেকে Public Service Commission-এর নিকট লেখা হয়েছিল তা, আনতে। সেই চিঠিতে Finance Department original report-এর ৪ থেকে ৯ নম্বর paragraph এবং last sentence of paragraph 10 and last portion of paragraph 23 delete করতে commissionকে বলেছিলেন এবং তারপরে জানুয়ারি মাসে Public Service Commission থেকে Government-এর কাছে যে চিঠি লেখা হয়েছিল তাতে আছে যে—

Secretary, Finance Department, asked the Commission to send a member to meet the Ministry and agreed to the deletion of the offending paragraphs. "Asking, however, for kind action on the offending paragraphs by the Government." Last sentence of paragraph 10 and last portion of paragraph 23.

অর্থাৎ যে কয়টি paragraph delete করতে বলা হল, সেই paragraphগুলি হ'তে delete করা হলই এবং last part of paragraph 23 delete করা হল। তা ছাড়া যে সব offending paragraphs যেসব কাজ করতে অনুবোধ করা হয়েছিল Government যেন দয়া করে সেই, কাজগুলি করেন, এই অনুবোধও করা হয়েছিল। এই চিঠি Public Service Commission ৩০শে তারিখ জানুয়ারি মাসে লিখেছিলেন এবং গত ৭ই তারিখ আমি মাননীয় প্রধান মন্ত্রী মহাশয়কে অনুবোধ করেছিলাম যে discussion যখন হবে তখন তিনি এই চিঠি তিনটি যেন অনুগ্রহ করে নিয়ে আসেন। তাহলে আলোচনা করার সুবিধা হবে। এই চিঠির মতো আছে (১) ১৬ই ডিসেম্বর তারিখে Government হতে লেখা হয়েছিল যে "The letter written by the Public Service Commission, dated the 16th December, 1949,

referred to in paragraph 17 of the report.” দ্বিতীয় চিঠি হচ্ছে, “The letter written by the Finance Department, dated 22nd November 1950, to the present Public Service Commission for deletion of certain parts.”

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** On a point of information, Sir. May we know what document is that the honourable member is reading from? Before referring to any confidential report I think it must be placed before the Speaker at least if it cannot be passed to the hands of members of the House.

**Sj. ANNADA PROSAD CHAUDHURY:** I could not know of many letters which the Chief Minister referred to which were not till then placed before the House—.

**Mr. SPEAKER:** Mr. Choudhury, the speaker is mentioning as to what you are referring to.

**Sj. ANNADA PROSAD CHAUDHURY:** As I have already said, I wrote a letter to the Hon'ble the Chief Minister on the 4th April and I have been reading from that letter of mine as follows.

I do not know how much time will be allowed regarding the debate on the Public Service Commission, but I should be glad if you will kindly keep by your side, for reference, the following letters:—

- (1) Public Service Commission letter referred to in paragraph 17 of the report.
- (2) Letter written by the Finance Department on 22nd November, 1950, to the present Public Service Commission for deletion of certain parts.
- (3) Letter of the Public Service Commission, dated January, 1950, sent to the Finance Department wherein it was stated that a member will meet the Ministry, etc.

*Explanatory Memorandum.*—The Commission, however, had to draw the attention of the Government in their letter, dated the 16th December, 1949, to a number of appointments made without consultation with the Commission and which appeared to them to be *prima facie* irregular.

December ১৬ই যে চিঠি লেখা হয়েছিল, তার মধ্যে অনেক post যাত্রা Public Service Commissionএর অজ্ঞাতে এবং এটা post সম্বন্ধে যাত্রাতে Public Service Commissionএর অনুমোদন মানা হয় নাই তার উল্লেখ ছিল। কিন্তু Explanatory Memorandumএ তার জৌর উত্তর দেওয়া হয়েছে। আমার সংবাদ যে উক্ত ১৬ই এর চিঠির মধ্যে বোধ হয় শতাব্দিক postএর বিষয় উল্লেখ আছে এবং দু' তিন হাজার টাকা মাইনের লোকও appoint করা হয়েছে বলে অভিযোগ করা হয়েছে। তাই প্রধান মন্ত্রী মহাশয়কে অনুরোধ করেছিলাম এখানে যে list নেই সেই list যেন নিয়ে আসেন। তা'হলে বুঝা যাবে আরো কত case Public Service Commissionএ refer না করে Government তরফ থেকে নিয়োগ করা হয়েছে। কিন্তু প্রধান কথা Constitutionএ কি আছে। এই যে report আমাদের কাছে place করা হয়েছে, সেবনবাবু প্রশ্ন করেছেন এটা Constitutional কিনা, অমিঃ তাই বলতে চাই। ভারতের সংবিধানে বলা আছে তিনটি safeguardএর কথা—(1) Judiciary, (2) Public Accounts and (3) Public Service. ডাঃ রাজেন্দ্রপ্রসাদের forward সন্নিহিত “Our Constitution” নামক বই যা লক্ষ লক্ষ ছাপিয়ে বিলি করা হয়েছে তাতেও বলা হয়েছে এই তিনটি প্রধান safeguardএর কথা যা আমাদের সংবিধানে আছে। একটি হচ্ছে Judiciary, দ্বিতীয়টি হচ্ছে Public Service Commission এবং তৃতীয়টি হচ্ছে Public Accounts. কিন্তু Public Service Commissionএর যে report এখন দেওয়া হয়েছে, তার পূর্বে যে report Assemblyর কাছে পেশ করার জন্য তীরা দিয়েছিলেন তা, Assembly

বিচার করবার আগেই Government বলেছেন এই অংশ অন্যান্য স্টেট অন্য কোন 'paragraph কোন sentence বাদ দিন। তারপরে Legislatureএর কাছে place করেছেন। কিন্তু সংবিধানে বলা হয়েছে "The Governor will cause that report to be presented" এবং এসেছিলে discussed হবে। কিন্তু কোন report আনরা discuss করছি, এটা Public Service Commission এর report বা Public Service Commission report as revised by Government. যে constitution-এর উল্লেখ মাননীয় প্রধান মন্ত্রী করেছেন সেই constitutionএরই ব্যতিক্রম পরিষ্কারভাবে Public Service Commissionএর রিপোর্ট পরিবর্তনের দাবী করা হয়েছে। কি হ'ল সেই safeguardএর? এই সম্বন্ধে স্বভাবতঃ মনে এই প্রশ্ন জাগে কেন এরকম জিনিষ হয়। সেসব চিঠির দ্বারা পড়ে উনিয়ছি তাতে দেখা যায় অতীতে যে Public Service Commission ছিল তার সঙ্গে Governmentএর রীতিমত কড়া কড়াভাবে চিঠিপত্র বিনিময় হয়েছে। সেই জন্য যদিও Constitutionএ আছে যে Public Service Commissionর মেম্বরের as nearly as one-half should be officers কিন্তু বর্তমান Public Service Commissionর সব memberই officer করা হয়েছে।

The Chairman or any other member of a Public Service Commission shall only be removed from his office by order of the President on the ground of misbehaviour after the Supreme Court, on reference being made to it by the President, has, on enquiry held in accordance with the procedure prescribed in that behalf under Article 145, reported that he is, in the opinion of the President unfit to continue in office by reason of infirmity of mind or body.

যিনি Chairman তিনি India Governmentএর Agricultural Departmentএর Joint Secretary ছিলেন। তিনি অসুস্থ থাকার জন্য continued sick leaveএ ছিলেন। এবং তাঁকে invalid pension নিয়ে retire করতেই হ'ত। তিনি চনতে পারেন না অথবা তিনি paralysisএর ভুগছেন তাঁর retire করা উচিত। India Governmentএর record থেকে এসব বুঝা যাবে। Paralysisএর ভুগছেন এবং উপরের তলায় উঠতে পারেন না—কাজেই তাই জন্য Public Service Commission Office Anderson Houseএর নীচের তলায় আনতে হয়েছে। তিনি যে invalid তা' প্রমাণিত হয়েছে to the satisfaction of the Government of India. অতএব for reason of infirmity of body and mind Presidentএর উচিত Chairmanকে বিদায় দেওয়া।

তারপর আমি আপনার মারফৎ, স্পীকার মহোদয়, গভর্ণমেন্টকে অনুরোধ করবো গভর্ণমেন্ট enquiry করে দেখুন কমিশনের একজন মেম্বার লেক্টুনাট-কর্নেল সর্বাধিকারী তাঁর Development Corporation এবং এই যে কল্যাণী নগর হচ্ছে তার সঙ্গে তাঁর আর্থিক কি সম্পর্ক আছে। কিন্তু সংবিধানে আছে—

"If the Chairman or any other member of a Public Service Commission is or becomes in any way concerned or interested in any contract or agreement made by or on behalf of the Government of India or the Government of a State or participates in any way in the profit thereof or in any benefit or emolument arising therefrom otherwise than as a member and in common with the other members of an incorporated company, he shall, for the purposes of clause (1), be deemed to be guilty of misbehaviour."

এই কল্যাণী নগর ও Development Corporation যা গড়ে উঠেছে সেই সম্বন্ধে আমাদের সংবাদ এই যে লেক্টুনাট কর্নেল সর্বাধিকারী is reported to be financially interested in the Bengal Development Corporation, the firm in charge of sale of plots as Kalyani.

একজন অসুস্থ বলে তাঁকে retire করতে হ'ত। কিন্তু তা' তো হ'লই না বরং তাঁকে আমরা এনে Public Service Commissionএর Chairman করলাম। আর একজনকে এইভাবে আনা হ'ল, জা' ছাড়া তৃতীয় জন আগে বাংলা গভর্ণমেন্টের চাকরী করতেন। এই যে official-ridden Public Service Commissionএর তিনজন member, তাঁদের যদি গভর্ণমেন্ট বলে খেন, এই প্রশ্ন রিপোর্টের মধ্যে কতক-গুলি portion objectionable—এ রিপোর্ট চলতে পারে না তা' হলে তাঁদের পক্ষে জা' না বানা পক্ষ।

এই রিপোর্টের paragraph 4, to 9, আপনি স্যার, মিলিয়ে দেখলে বুঝতে পারবেন ২২শে নভেম্বর Finance Department থেকে যে চিঠি লেখা হয়েছে, তাতে বাদ দিতে বলা হয় তা হলে তাঁরা কি না করে পারেন? নতুন যে রিপোর্ট এখানে place করা হয়েছে, তাতে এই সব নাই। Last sentence of paragraph 10ও বসে নাই, last part of paragraph 23, তাও এর মধ্যে নাই। এর মধ্যে ছিল কি? Finance Department-এর চিঠিতে বলা হচ্ছে factual statement হওয়া দরকার। কিন্তু সেটা কি? ওটা কাদের রিপোর্ট? Public Service Commission যে রিপোর্ট দেবে, তা আমাদের গৃহণ করতাই হবে—তা নয়। তাঁরা বহুলোককে চাকরীতে নিতে বলেছেন, তাহলে গভর্নমেন্ট নেন্ নাই। কিন্তু Public Service Commission-এর রিপোর্টেই এমন কি ব্যাপার ঘটে গেল যে সেই রিপোর্ট বহুলান প্রয়োজন হয়ে পড়ল? এটা কি Constitution-এর মধ্যে আছে? যে Constitution-এর উল্লেখ করে মাননীয় প্রধান মন্ত্রী মহাশয় আমাদের কাছে রিপোর্ট উপস্থিত করেছেন, আমি বলবো সেই Constitution-এর বিরুদ্ধে এটা একটা constitutional breach হয়েছে।

Explanatory memorandum যেটা দেওয়া হয়েছে, সে সম্বন্ধে আমি কয়েকটা কথা বলবো। অবশ্য আজকে সব বিষয় আরো পৰিকার হয়েছে কারণ অনেক দ্রিঘ্য এর মধ্যে আছে। পাঁচটা বিষয়ের কৈফিয়ৎ গভর্নমেন্ট আমাদের কাছে দিয়েছেন। আমি একটা চিঠিও কথা বলছি যা ১৬ই ডিসেম্বর পুরানো Public Service Commission থেকে লেখা হয়েছিল, তা যদি দেখা যায়, তাহলে দেখবেন, শুধু ঐ পাঁচটা নয়, আরও বহু পাঁচটা case আছে, যা Public Service Commission-এর recommendation না মেনে গভর্নমেন্ট সরাসরি নিষ্পত্ত করেছেন। তা বেশ বোটাযোটা মাইনের চাকরী। সেই সব বিষয়ে Explanatory Memorandum-এ বিশেষ কিছু বলা নাই। প্রথম থেকে আরম্ভ করে বেগুলি delete করতে বলা হয়েছে বর্তমান Public Service Commission পশ্চিম বঙ্গ সরকারের নির্দেশানুসারে সেই সব delete করে দিয়েছেন। কিন্তু ঐগব্য আপত্তিজনক অংশে যে সমস্ত কথা বলা হয়েছে তা যেন গভর্নমেন্ট দমা করে কাজে পরিণত করেন এই অনুরোধও জানিয়েছেন। এই Explanatory Memorandum-এর মধ্যে disciplinary case-এর কোন উল্লেখ নাই। এই বিষয়ে গভর্নমেন্ট বলছেন—Advice of the Commission was accepted in 10 of these cases; the Commission has not yet been informed of the action taken by Government in the remaining two cases.

সেই remaining 2 cases-এর এখানে উল্লেখ আছে—page ১৪. এই দুটা case-এর মধ্যে একজন তো সরে পড়েছেন। তাঁর কথা উল্লেখ করবার দরকার নাই। Disciplinary case-এর মধ্যে Appendix D--No. 2 যে disciplinary case—এর থেকে দেখা যায় এই যে একজন officer-এর বিরুদ্ধে নানারকম অভিযোগ করা হ'ল; এই অভিযোগের জন্য departmental enquiry হ'ল; তাতে বলা হ'ল, এর একটা দাতি হওয়া উচিত। পরে Public Service Commission-এ পাঠান হ'ল, তাঁরা বললেন the Commission recommended that the officer be reduced to a lower stage in the scale of the Deputy Collector and he be removed from the Secretariat post of Assistant Secretary and transferred to serve in the districts.

কিন্তু সরকার নিবিবাদের চুপটি করে বলে আছেন। তিনি এখন পর্যন্তও সেই Land and Land Revenue Department-এ Assistant Secretary-র কাজ করছেন। কিন্তু ঐ রিপোর্টে যা বলা হয়েছে, সেটা ১৯৫০ সালের মার্চ পর্যন্ত তারপর আমি যতদূর খবর পেয়েছি সেই উল্লেখও এখনও সেই পক্ষে আছেন। আমার মনে হয় সেক্রেটারী হোক, ওপরের অফিসার বা মন্ত্রী মহাশয়দের মধ্যে কেউ হন, একদল তাঁর বিরুদ্ধে অভিযোগ জানছেন এবং আর একদল তাঁকে protect করছেন। যার ফলে Public Service Commission বলছেন, তাঁকে degraded করে দেওয়া উচিত। তাঁর বিরুদ্ধে অভিযোগ এখনভাবে করা হয়েছে যে departmental enquiry পরে Public Service Commission বলছেন তাঁকে degraded করা হোক, Secretariat থেকে সরিয়ে দেওয়া হোক, districts-এ পাঠিয়ে দেওয়া হোক। কিন্তু গভর্নমেন্ট আজ পর্যন্ত কিছুই করেন নাই। এই যদি অবস্থা হয়, তাহলে Public Service Commission কি করবেন? আর গভর্নমেন্টও এর উত্তরে Explanatory Memorandum-এ একটা কথাও বলেন নাই।

Indian Constitutionএর তিনটি safeguardএর মধ্যে Public Service Commission is one of the safeguards—ইহা কলাও করে সর্বত্র বলা হয়েছে। সেখানে যদি এই অবস্থা হয়, তাহলে discipline কি করে থাকবে বলতে পারি না।

তারপর examinationএর কথা রিপোর্টে আছে। কিসের জন্য অসুবিধা হয়েছে জানা নাই। Civil Service Examination হওয়ার কথা, জাতিদের Public Service Commission বলেছেন—Page 9—in February. তা হ'ল না কেন? In November, 1949, the Commission forwarded to Government the revised syllabus, proposed by them after consultation with accredited experts for the examination to be held in 1951 and onwards. The decision of Government was not communicated to them before the close of the year.

এবং এখনো পর্যন্ত কিছু আসে নাই। তার মানে এখন কোন লোক চাকুরী পেতে পারবে না, হয়ত বা অন্য কিছু কারণ আছে। গভর্ণমেন্ট পরিকার করে কিছু বললেও বুঝতে পারি। ১৯৫১ সালের ফেব্রুয়ারী মাসে কান পরীক্ষা হ'ল না। তার Syllabus Governmentএর sanction পেয়েছে কিনা জানি না। Disciplinary action যাব বিকল্পে নেওয়া দরকার, department বলেছেন, Public Service Commission বলেছেন, তাও নানা কারণে স্থগিত থাকে।

তারপর যেসমস্ত চাকুরীতে Public Service Commissionএর মতের বিরুদ্ধে promotion দেওয়া হচ্ছে তা paragraph 18এ আছে। প্রথম নাথ মল্লিক এবং প্রতাপ নাথায় মিত্র সম্বন্ধে Public Service Commission বললেন যে এঁদের Assistant Engineerএর পক্ষে appoint করা চলে না। কিন্তু গভর্ণমেন্ট তা মানলেন না।

“The Commission, after scrutiny of their records and qualifications, advised against their promotion. As the department insisted, an Examining Board was formed consisting of Sri S. N. Bose, lately Electrical Engineering Adviser to Government, and Sri P. K. Bhattacharyya, Chief Electrical Engineer to Government, and both of them found the candidates unfit for promotion.”

Public Service Commissionও বললেন, না, তাঁদের promote করা যেতে পারে না। কিন্তু গভর্ণমেন্ট বললেন, আমরা promotion দিয়ে দেব এবং তাঁরা তা দিয়েও মিললেন। এই যদি অবস্থা হয়, তবে আর Public Service Commission বাধা কেন?

তারপর Regulationএর কথা বলেছেন এই Regulation সম্বন্ধে Constituent Assemblyতে অনেক আলোচনাও হয়েছিল। এবং তার উত্তরে Dr. Ambedkar বলেছেন, Pandit Hriday Nath, Kunjru ও Ananta Sayanan Ayenger যে কথা বলেছেন তিনি সেই সমস্ত সর্বধন করেন। তাতে তিনি বলেছিলেন—

“The President or Governor will have the power to specify the matter in regard to which it will not be necessary to take the advice of the Public Service Commission, but at the same time it will be his duty to see that the regulations made by him are laid before the Legislature, and the Legislature will have the power not merely to criticise these regulations but to amend them in any manner that it likes. We can therefore feel sure that no regulations will be made by the President or Governor, that are not likely to secure public approval. If he is tempted to deviate from the right path he will hesitate to give in to temptation and he will know that these regulations will be laid before the Legislature.”

২৫শে জানুয়ারী পর্যন্ত বেবর regulation করা হয়েছে, তা অবশ্য Adaptation Act অনুসারে যাতে কাজ কোন রকমে বাহত না হয় এবং তা চালাবার জন্য ১৭২এ ধারানুসারে কার্যকরী থাকবে। কিন্তু যদি spirit of the Constitution দেখা যায়, তাহলে দেখবেন এটা অত্যন্ত অসঙ্গত কাজ। যে সমস্ত

regulation ১৯৩৭ সালে করা হয়েছে, তা আর ২৫শে জানুয়ারী পরে চলতে পারে না। ২৫শে জানুয়ারী পর্যন্ত বৈধ regulation করে দেওয়া হয়েছে, spirit of the Constitution দেখা যাবে সেই regulation Assemblyর কাছে place করা উচিত। তা যত দিন amend না হয় ততদিন পর্যন্ত আগের regulation অনুসারে কাজ অবশ্য চলতে থাকবে, যাতে কাজ বাহত না হয়। যদি একটু তলিয়ে দেখা যায়, তাহলে দেখা যাবে Public Service Commissionকে bypass করবার ব্যবস্থাও এই regulation এ করা হয়েছে। ২৬শে জানুয়ারী পরে regulations করলে তা' Assemblyর নিকট পেশ করতে হবে বলে ২৫শে জানুয়ারীও regulation পাশ করা হয়েছে। আমি বলি এই by-pass করা যতটা কম হয়, ততই ভাল ততই public service Commissionএর মর্যাদা বাড়াবে এবং যে উদ্দেশ্য নিয়ে এই Public Service Commissionএর সৃষ্টি হয়েছে, সে উদ্দেশ্যও সার্থক হতে পারে।

তারপর এই বিপোর্টে সরকারী অফিসারদের appointment, তাদের promotion ইত্যাদি বিষয়ে যে মন্তব্য করা হয়েছে, আমি সেইদিকে গভর্নমেন্টের দৃষ্টি আকর্ষণ করছি। তা' ছাড়া দু'টি বিপোর্ট place করাতে খুব সুবিধা হয়েছে। Finance Departmentএর অধীন Bengal Government Pressএ পাঁচশো কপি বিপোর্টের নই দু'বার ছাপান হ'ল, এব মধো কোথায় কি conspiracy হ'ল, এর জন্য কোন্ অফিসার দায়ী, তাব জন্য একটা enquiry হওয়া উচিত। On Government order No. 50-51—113X পাঁচশো কপি বই ছাপান হ'ল। এটা হ'ল আগেকার বিপোর্ট। তাবপর this report was changed and withdrawn. তারপর আবার যে পাঁচশো কপি বই ছাপান হ'ল, তাও ঠিক সেই একই order—West Bengal, Government Press No. 50-51—113X অনুসারে। এই যে পাঁচশো পাঁচশো কবে বই দু'বার ছাপান হ'ল এগুলো কি হ'ল, কার বাড়ীতে গেল, এর Printing orderই বা কে দিল, সেই অর্ডার কোথায় গেল কাগজ কে দিল, print করতে যাবা পাটিলো তাদের মাইনে কে দিল? সেদিন তো Chief Minister রাগ করে বলেছিলেন ও বিপোর্টের কথা তিনি কিছু জানতেন না। আজ আমি অনুরোধ জানাই যে এই বিপোর্ট ছাপান সম্পর্কে যে সমস্ত প্রশ্ন আমি সবলমাত্র তাব বিশদ বিবরণ যেন গভর্নমেন্ট আমাদের জানান।

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** Mr. Speaker, Sir, I rise to say that when my friend Sj. Deben Sen was speaking and referring to certain posts having been taken out of the Public Service Commission —

**Sj. ANNADA PROSAD CHAUDHURY:** Is it a point of order?

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** It is an explanation of the points which arise out of the discussion.

**Mr. SPEAKER:** The correction should be made immediately in one or two words. For explanation you better wait.

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** Sir, I want to make the correction with one or two words, but I thought that you advised me that I should say afterwards.

**Mr. SPEAKER:** Mr. Choudhury is in seizure of the House.

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** He has already finished.

**Sj. ANNADA PROSAD CHAUDHURY:** No, Sir. I thought that it would be a point of order, and therefore I sat down.

**Sj. ANNADA PROSAD CHAUDHURY:** ম্যার, আপনার কাছে আমি এর আগে উল্লেখ করেছিলাম যে Explanatory Memorandum যা আমাদের কাছে দেওয়া হয়েছে তাব সঙ্গে যে বিপোর্ট আমাদের দেওয়া হয়েছে তাব সঙ্গে মিলিয়ে দেখলেই এর থেকে আমি যে চিঠির কথা বলেছিলাম তাব support পাওয়া যাবে। প্রথম বিপোর্টের last paragraph নম্বর 30 ২২শে নবেম্বর যে চিঠি লেখা হয়েছে Public Service Commissionকে to delete paragraphs 4 to 9, 24, 25, 26. এই paragraph-গুলি বাদ দেবার পর শেষ paragraph নম্বর হয় ২৪ এবং এই No. 24এর নীচে নতুন কোন paragraph



আর নাই। কিন্তু Government আমাদের কাছে (Interruption from the treasury Benches) Sir, I crave your ear, কিন্তু Government আমাদের কাছে যে explanatory memorandum দিয়েছেন, আজকে নানারকম চাপে আমরা আগেকার অর্থাৎ original reportটা দেখতে পাচ্ছি বলে ঐ Explanatory Memorandumএ যেসব paragraphএর উল্লেখ আছে তা' দেখতে পাচ্ছি এবং ঐ রিপোর্টের ২৪, ২৫, ২৬ sub-clauseএই এই সব বিষয় আছে। আর যদি মিলিয়ে দেখা যায় তা'হলে দেখা যাবে যে রিপোর্ট Governmentএর নির্দেশে Public Service Commission revise করেছেন তার paragraph number Explanatory Memorandumএর সঙ্গে মিলে যায়। এই শেষের রিপোর্টের মধ্যে (২৪) paragraphর পরে আর নাই; কিন্তু original report যু নানা কারণে place করতে বাধ্য হয়েছেন তার সঙ্গে Explanatory Memorandumএর paragraph reference নম্বর মিলে যায়। তারপর আবার দেখা যায় ২৫ paragraph sub-clause (I) of the reportএর পরের paragraph আর নাই। Explanatory Memorandumএ যেটা case দেওয়া হয়েছে তার reference to paragraph number নতুন reportএর সঙ্গে মিলে না, পুরানো reportএর সঙ্গে মিলে। (The Hon'ble Rai HARENDRA NATH CHAUDHURI: Correct করে নিন্।) পুরানো reportএর সঙ্গে মিলিয়েই correct করা হয়েছে কিন্তু সব দিক বজায় রাখা যায় নাই। আজ আমাদের এমনই দুর্ভাগ্য যে আজ এখানে একথা বলা চলে যে original reportটাই বিবেচনা তুলে রাখা place করা নাকি does not come under the scope of the Constitution. বিশেষতঃ যখন গভর্নমেন্ট office থেকে চিঠি লেখবার শুরুর দিকে দেখানো হয় original reportএর পরিবর্তন করাতে এবং সে বিষয়ে যে member concerned তিনি নাকি আবার কিছু জানেন না। ইহা Mr. B. K. Bose জানলেন না, অন্য মেম্বর যারা তাবাও জানলেন না রিপোর্টের কোন কোন অংশ আপত্তিকর। অথচ গভর্নমেন্ট লিখলেন, নির্দেশ দিলেন, রিপোর্ট বদলে দিন, এই এই প্যারা বদলে দিন, এই এই প্যারা delete করুন ইত্যাদি। তারজন্য আমি এই House থেকে আমাদের তরফ থেকে আপনার কাছে আমাদের এই অভিমত জানাচ্ছি Mr. B. K. Bose তাঁর রিপোর্ট outside the scope of the Public Service Commission কিনা, বিধিবিহীন কিনা তা' জনসাধারণকে জানিয়ে দিন তাহলেই Public Service Commissionএর স্বতন্ত্র ও ভবিষ্যতে তার শ্রদ্ধাভাজনীয়তা এবং সার্বভৌমতা বজায় থাকবে, এবং তা নাহলে Constitution থেকে যে safeguard দিয়ে তাকে খাড়া করা হয়েছে to act as an independent body পৌঁচি নষ্ট হয়ে যাবে এবং তার স্বাধীনতা ও মর্যাদা কিছুই থাকবে না।

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** I wish to take part in the debate just to make a correction because an honourable member while speaking made certain observations which, so far as they referred to the Judicial Minister ((that is myself), were wrong. Sir, the point I wish to bring to the notice of the House has reference to what was observed by my friend Sri Deben Sen who referring to page 5 of the report pointed out a certain post, namely, the post of the Administrator-General being taken out of the jurisdiction of the Public Service Commission and left to the Judicial Minister to make the necessary appointment. Now, Sir, it is known that an offence is called plagiarism in literature. I call this explanation of Sri Deben Sen as a daylight distortion of cold printed stuff. If you will please read you will see it has been stated "It shall not be necessary to consult the Public Service Commission with respect to the filling up of the post of Administrator-General and Official Trustee, West Bengal, except on the claims of the candidates nominated by the Governor on the advice of a Selection Committee consisting of the following:—(1) The Chief Justice of the Calcutta High Court, (2) the Advocate-General of the Government of West Bengal, (3) Sri N. C. Chunder (who is the President of the Incorporated Law Society), and (4) the Chief Secretary of the Government of West Bengal". The meaning of this is very clear. The Judicial Minister comes nowhere in the picture at all. This is distortion No. 1. Secondly, Sir, the first preliminary selection of candidates is made by a Selection Committee consisting of the Hon'ble the Chief Justice, the Advocate-General and the

other persons mentioned as experts. After they have made the preliminary selection, then, on the claims of the candidates so selected the Public Service Commission is consulted. These are the different stages through which the thing is to pass. The post is considered important and therefore an expert Selection Committee is formed consisting of the Chief Justice, the Advocate-General, Sri N. C. Chunder and the Chief Secretary of the Government of West Bengal, and after they have made their preliminary selections then the panel of names selected by them is forwarded to the Public Service Commission who are to pass their opinion on the relative claims of the candidates so selected and after that the appointment is made by the Government. So I am sorry if my friend Sri Deben Sen confuses the syntax of the sentence in a way that he would bypass the sense and talk what suited his convenience without any relation to facts. This is, Sir, an illustration of the point that here is a case which was not taken entirely out of the purview of the Public Service Commission but it was considered that an expert committee should make preliminary selections of the candidates who fulfilled the tests and who had all the qualifications prescribed. That expert committee as I told you is presided over by the Chief Justice. The list of candidates coming out of this expert committee goes to the Public Service Commission to make their choice upon. So it will be clear that the facts, as they are, are contrary to what Sri Deben Sen sought to convey to this House. The post of Administrator-General and Official Trustee is just an illustration and the special procedure followed in this case is the procedure followed before filling up posts where specialised and expert opinion is necessary. That is all the point I wanted to clarify and clear up. As I told you, it is a daylight distortion of facts which my friend had been indulging in through which our friends opposite are trying to mislead the House. On the constitutional and other points enough has been said already and I have nothing further to add.

**Mr. SPEAKER:** While making observations by way of correcting a mistake or otherwise it is always advisable not to attribute motives to the honourable member who made the mistake, knowingly, or unknowingly, and I have said so several times, because it is only such remarks which lead to mutual recrimination and when mutual recrimination starts, it becomes very difficult for me to control the debate and also the decorum of the House is lost.

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** I simply stated facts and I hope my friend will act in a sporting spirit to acknowledge his mistake.

**Mr. JASIMUDDIN AHMED:** আমি distortion বা extortion-এর কোন কথা বলব না; আমি বলব এই কথা—কৈফিয়ৎ তাদের কাছ থেকেই নেওয়া হয়, যাদের লোকে সন্দেহ করে অন্যায় করেছে বলে। যারা অন্যায় করেছে বলে সন্দেহের ভাগী হয়, তারাই কৈফিয়ৎ দেওয়ার জন্য দায়ী হয়। আইনের যে বিধান আছে—হতে পারে যারা Government চালান, তাঁরা কোন লোকের কথায় পক্ষভুক্ত হয়ে অথবা কারও দিকে চান থাকার দরুন কতিপয় চাকরী, বা নাকি একটা খুব লাভের জিনিষ, সেটা দিয়ে দিতে পারেন। সেই জন্য Public Service Commission-এর অবতারণা হয়েছিল এবং Public Service Commission-এর লোকেরা, এই সমস্ত আবহাওয়া থেকে মুক্ত যারা, তাঁদের দিয়ে গঠিত হবে, সেই বকম বিধান ছিল। ও জন লোক বা সদস্য, যারা নাকি member এই Commission-এ ছিলেন, তাঁরা তাঁদের কার্যকালের report এখানে দিয়েছেন। কিন্তু যে কোন কারণেই হোক distortion-ই হোক বা অন্য কোন কারণেই হোক, Government-এর মনোভাব না হওয়ার পরিবর্তন করা হয়েছে। আইনের উদ্দেশ্য হচ্ছে এই যে, Public Service Commission কতকগুলি লোকের চাকরী বা নিয়োগের recommendation করবেন আর Government সেটা মেনে নেবেন। যেখানে মেনে না নেবেন, সেখানে তাঁরা কৈফিয়ৎ দেবেন যে, এই কারণে আমরা মেনে নিতে পারি না। এবং তাঁর বিচার করবার জন্য Legislative বা আইন-সভার

উপর ভাব দেওয়া হয়েছে। Public Service Commission-এর recommendation Government অনায়রুপেই মানেন নাই, কিংবা Government' যে কৈফিয়ৎ দিয়েছেন, - সেইটাই ঠিক কি না, সে সম্পর্কে আইন-সভাই মতামত দিতে পারে। এখানে policyর কোন কথা নয়, এখানে আজ যে discussion হচ্ছে, তাতে যদি কিছু ভুলত্রুটি থাকে তাহ'লে পরবর্তী কালের জন্য নির্দেশ দিতে হবে যে, এইগুলি হওয়া উচিত ছিল না। কিন্তু আমাদের সামনে যে সমস্ত কাগজ পত্র এসেছে, তাতে ভুলচুক দেখব কি, আমরাই ভুলের মধ্যে পড়ে গিয়েছি—ওদের মতামতই নেব, না এদের মতামত নেব। Public Service Commission যারা এত লোকের চাকরীর যোগাড়ার বিচার করেন, তাঁরা ভুল করেছেন;—তাঁদের সম্বন্ধে এই যে একটা দেখছি এটা উচিত ছিল না; এটা তাঁদের ক্ষমতার বাইরে; এই সমস্ত ক্ষমতার চান্দাচানির হিড়িক পড়ে আমরা নাহেহাল হচ্ছি। এখন Public Service Commission-এর যে সমস্ত ফর্ম দেখছি, তার মধ্য থেকে একটা তুলে দিতে পারি page 75, column 4. তাতে বলেছেন—if already appointed by Government, date of appointment. সেই জায়গায় column ভর্তি হয়েছে; তারপরে আছে already appointed-এর কথা, date of appointment নাই। এই কথাটা থেকে মনে হচ্ছে, এই সমস্ত জিনিষগুলো চাকরী হয়ে গেলে তারপরে Public Service Commission-এর কাছে গিয়েছে, তারপরে তাঁরা মতামত দিয়েছে, এটা একটা সলেশের বিষয়। যদি ভাই হয়, তাহ'লে Public Service Commission করবার কোন মূল্যই থাকে না।

(At this stage the House was adjourned for 15 minutes.)

(After adjournment.)

**MR. JASIMUDDIN AHMED :** এখানে বলছিলাম যে কতকগুলিতে এই লোক আছে already appointed. সেখানে একটা সলেশের ভাব আছে। সলেশ হওয়ারই কথা। যেখানে date ব্যক্ত করার কথা আছে, সেখানে ঐ dateটা থাকলেই ভাল হয়। তা যেখানে নাই, সেখানে আমার মনে হয় Commission-এর কাছে কাগজ পাঠাবার আগেই একটা ব্যবস্থা হয়ে গিয়েছে। তারপর দু'একটা জায়গায় দেখা যায় promotion ব্যাপারে, যারা Secretariat-এর মধ্যে আছে, যেমন Assistant Secretary ইত্যাদি, তাঁদের promotion-এর বেলায় দেখা যায় একজন লোকের একটা খালি জায়গায় একজন মাত্র লোককে recommend করেছেন গভর্নমেন্ট—cases of officers examined ইত্যাদি। এখানে Assistant Commissioner of Police ইত্যাদি। কিন্তু যেখানে একাধিক লোকের নাম না দেওয়া হয়, সেখানে পূর্ণ বিবেচনা করা হয় কি করিয়া? আমার মনে হয় Secretariat-এ এমন কোন অবস্থা ঘটে নাই যে, একটা কাজের জন্য মাত্র এক জন লোকই promotion পাবার উপযুক্ত, আর দ্বিতীয় লোক নাই। এই সব কাজ হ'তে দেখা যায় যে Secretariat-এ যা কিছু হয় তা সব ঘরোয়া ব্যাপার। যেটা শক্তিশালী বিভাগ, তার মধ্যে যেন একটা বন্দোবস্তের ব্যবস্থা আছে বলে মনে হয়। এখানে অনেক কথা একটু কটাক্ষ করে বললাম—তার কারণ কটাক্ষ করে বলবার খানিকটা স্বেচ্ছা আছে। এই সব ব্যাপারে একাধিক লোকের নাম হওয়া উচিত।

আমি suggestion দিচ্ছি আমাদের এখানে যেন বন্দোবস্ত একটা অভ্যাস হয়ে গিয়েছে, যেমন amendment দেওয়া, তারপর substitution, তারপর withdrawal—এই সমস্ত অভ্যাসগুলি একটু কম হলে ভাল হয়। প্রথম reportটা যা ছিল, সেইটাই যদি গভর্নমেন্ট বাধতে সাহস করতেন, তাহ'লে এই সমস্ত হাদ্দামার কারণ থাকত না। তাঁদের একটা চিঠিতে বলেছেন, "this may be treated as withdrawn", এই চিঠির কোন প্রয়োজন ছিল না। Public Service Commission-এর report নিয়ে দরকার, চিঠির দরকার ছিল না। এটা আমার মনে হয় গোলামালের ব্যাপার। বেশী সতী শাস্তে গিয়ে, ধরা পড়ে গিয়েছেন। যেমন ছিল, তেমনি থাকলেই ভাল হ'ত। যে continuing Commission কাজ করে গিয়েছেন, তাঁর report যখন সামনে বয়েছে, সে report ভালই হোক আর মন্দই হোক, ডবন দ্বিতীয় Commission-এর report দেওয়া ঠিক হয়নি এবং এটা একটা সলেশের কারণ। আগের Commission-এর রিপোর্টে যে সমস্ত recommendation করেছেন, সেগুলি বাতিল করার চেষ্টা যা হয়েছে, তা মোটেই শোভনীয় নয়।

অর্থাৎ ruleটা। Chief Minister বলেছেন Governor করেন নাই। কিন্তু যে Governor সেই Government, কাজে কাজেই অবশ্য এই Government দ্বারা। এই rule ক'রা তাঁদের উচিত ছিল। যতদূর সম্ভব তাঁরা এটা করেন, ততই ভবিষ্যতের পক্ষে ভাল।

অর্থাৎ Public Service Commissionএর reportএ যাদের নাম recommend করেছেন তাঁদের এরা নেননি। কেন? তারজন্য যে সমস্ত কারণ সেখান হয়েছে তা যথেষ্ট নয়, পর্যাপ্তও নয়। প্রত্যেক স্থানেই আমি বলতে পারি তাদের detailed qualification, যোগ্যতা সমস্ত নাই। এদের নম্বরগুলি ওদের নম্বরের সঙ্গে মেলেনাশ। সেইজন্য এইগুলি আলোচনা করায় অনেক অসুবিধা আছে। যোগ্যতা আমি বলতে চাই যে, Public Service Commissionএর recommendationগুলি মতুর করে নেওয়া ভাল। যদি তাঁরা কিছু অন্যান্যত করেন, তাহলে পুনরায় তাঁদের কাছে পাঠিয়ে দেওয়া ভাল। তখন তাঁরা গভর্নমেন্টের মত\* এবং Public Service Commissionএর মত—এই দুটা মতকে এক সঙ্গে বিবেচনা করে নিতে পাবেন। এইভাবে যদি কাজ করা যায়, তাহলে দুইবার বই ছাপানর প্রয়োজন হয় না।

গভর্নমেন্টের মতে পূর্বেরকার Public Service Commission যদি এতই মন্দ হয়, তাহলে তাঁদের আমলে তাঁরা নিশ্চয়ই বহু লোকের মন করেছেন। তারপর তাঁরা reportএ আরও বলেছেন যে, Secretariatএ যে সমস্ত লোক আছে, তাদের মধ্য হ'তে মাত্র এক জনের নাম recommendation কবে পাঠান হয়েছে, সেখানে বহু লোকের নাম পাঠান উচিত ছিল।

তারপর আবার বলেছেন appointment ক'বে পবে খবরগুলি দেওয়া হয় Commissionএ, তাহ উচিত নয়। যথাসময় recommendation নিয়ে তাদের appointment করা উচিত ছিল।

এই বলে আমার বক্তব্য শেষ করছি।

**Sj. BIMAL COMAR CHOSE:** Sir, considerable heat and controversy has been roused over the presentation of the report of the Public Service Commission this year and not without reason, for the issue involved is of very great importance. The issue is the independence of the Public Service Commission. Every democratic State is enormously dependent upon the quality of its public officers, and the question arises as to how they should be chosen. As my late Professor Laski would have said, "there seems no reasonable ground for doubt that the least control the political executive possesses over the appointment of permanent officials, the better it is for the State;" and he had continued, "it is clear from the experience of every modern State that the power to control the appointments to public services makes certain—where it is possessed by the political executive—an ample corruption of public life. The public service of a State must therefore be left under the aegis of two definite rules: (1) it must be appointed by persons other than those in the Cabinet, and (2) it must be appointed under a rule which reduced to a minimum the chances of personal favouritism".

Sir, I may also add that the Bengal Administration Enquiry Committee also emphasised the importance of the Public Service Commission, and stated that the Public Service Commissions all over the world have one common purpose, viz., to free all appointments to the public service from nepotism and exercise of political patronage. The question arises then as to why there should be this controversy and heat over the report that has been submitted by the Public Service Commission this year; and the reason is that there are grounds for suspicion about its independent functioning. And I would refer you, Sir, to two facts. In the first place, the manner of presentation. The Constitution provides that it should be forwarded to the Governor. As we now know, the original report was forwarded to the Governor and the revised report has been forwarded to the Government. Although I am prepared to admit that the Governor means the Government for certain purposes, there is this thing to consider that the Constitution

ensures an independent position to the Public Service Commission; and although it is appointed by the Government under the Constitution the members cannot be dismissed by the Government, but only under certain conditions provided in the Constitution, namely, by the President after an enquiry made by the Supreme Court. The Constitution again specifically provides that the report is to be submitted to the Governor and not to the Government. Further, the Constitution provides that the Governor shall cause it to be laid before this House and as the Government may accept or may not accept certain recommendations of the Commission, it stands to reason that the Government should provide answers for such of their actions and the Governor is to determine the manner in which the report is to be laid before this House. I should point out to you, Sir, that although the report was presented to us we had no information of the fact as to whether it was being presented to us by the Governor, at least we had no direction or anything to inform us that it was being laid before the House by the Governor.

The second point is that certain members—I am not discussing now the point as to whether the Commission is a continuing one or not, I accept the Chief Minister's interpretation of that matter, the Commission, I think, is a continuing one—but the fact remains that members who were not responsible for the period for which the report was submitted thought fit to withdraw a report which was submitted by members who had worked for that period, and what is the reason? The reason as stated in their forwarding letter to the Government is this: "The Commission have since re-examined this report and have come to the conclusion that it included matters which were really outside the scope of Article 323(2) of the Constitution." That Article evidently—mark, Sir, the word "evidently"—"limits the report to a factual statement of the work done by the Commission during the year under report and seemingly"—mark, Sir, the word "seemingly"—"excludes all opinion matters". Now, what does the Constitution say? As it has been stated many times in this House I need not read out the actual article, but it amounts to this that the Commission shall submit a report of the work done. It does not state the manner in which the report is to be submitted; it does not exclude any opinion matters as will be evident from this forwarding letter. Even the Secretary to the Commission says that is his interpretation that evidently it means this that seemingly it excludes all opinion matters. But who is to judge as to whether he is correct or not? Are we to suppose that the former members of the Commission were ignorant of their constitutional duties and it is only the present members who know how to interpret the Constitution?

Much has been said about factual report of the Commission's work. Although I do not agree that a factual report has to be submitted under the Constitution, that the Constitution rules out opinion matters, yet even if I were to assume that, what does a factual report mean and who is to judge what is a factual report or not. What have we got here? Certain members who were responsible for the work during the period during which they worked had submitted a report; other members who knew nothing of the work during that period and became members later on corrected that report without certainly having any knowledge of the facts relating to the work during that period. So, are we to suppose that these members who, had no knowledge of the work that was being done during that period were more cognisant of the facts during that period than were the original members? That does not seem to be reasonable to me, Sir. Further as my friend Sri J. C. Gupta says, facts do not mean mere statistics.

Then, Sir, the case was further made worse by another statement which the Secretary to the Commission issued to the press—you might have noticed

that—in which he said that he had revised the report and one of the causes thereof being that if the report were allowed to go in its original form it might have amounted to a contempt of this House or some such thing and that it might be derogatory to the members of this House. Sir, who had constituted this Secretary to be the protector of our rights and our privileges. I believe, Sir, between you and ourselves, we can protect our rights and we know what our privileges and duties are and that we require no self-appointed guardian for us.

Then, Sir, about the original report. The Chief Minister has read out and we also have had the original report placed before us, portions that were deleted. I ask you, Sir, if those portions were allowed to be included in the report, what would have happened? We know now that the Public Service Commission had submitted a report. If they had done something wrong, it was for us to discuss in this House. We could have pointed out, if we had liked, that they had transgressed their limits, that they had gone beyond their constitutional duties. We might have said all that, although under the Constitution, as you will appreciate, nothing is definitely laid down. Sir, if I were to raise a point of order on that before you as to whether under the Constitution what was said by the original members of the Public Service Commission would be *intra* or *ultra vires*, I am sure you would be placed in a very difficult situation and you yourself would not be sure to rule that they were doing something which was *ultra vires* of the Constitution.

Sir, I do not blame so much the Government in this matter. I am not concerned with the Government when I am discussing the Public Service Commission. All that I am concerned with is the Public Service Commission and its independence and that is being questioned. The Public Service Commission should not be amenable to anything that the Government might say, because it is one of the checks and balances provided in the Constitution. I am worried because the independence of the Public Service Commission is being questioned, and as I have said there is sufficient ground for questioning that independence even on the ground of the procedure adopted for submission of its report. Sir, I believe a lot of confusion can be cleared up if we refer to the procedure that existed before the Constitution came into operation. I am reading, Sir, from the report of the Bengal Administration Enquiry Committee which was presided over by Sir Archibald Rowlands and in paragraph 259 of that report the Committee says, "we are told that in accordance with a decision taken in November, 1939, the Commission submits annually to His Excellency the Governor—

- (a) a full and frank report in the form of a note for the information of His Excellency the Governor and the Ministers; and
- (b) an abridged (and bowdlerised) draft report for publication.

The first is not for publication and is not printed. It is laid down that the second report (which is published after consideration in Cabinet) should be primarily a record of the work of the Commission and the manner of its presentation should avoid criticism of Government beyond a statement that in such and such cases the advice of the Commission was not accepted.

"In our opinion"—the Committee says—"this practice is unsatisfactory and stifles legitimate criticism. We consider it right that Government should, if necessary, be prepared to justify in public any decision taken on a matter upon which the Commission has to be consulted and we recommend the preparation and publication of a single report in which the relevant facts regarding any case the Commission deem suitable for public comment should be set out in temperate language."

Now, Sir, what we have today here. The revised version is a bowdlerised version and under the Constitution that we have now there is no necessity for such a bowdlerised version and the Government, I believe, is labouring under this misapprehension that it is still necessary for the Public Service Commission to have a consultation with the Government before the report is presented. That is no longer necessary because the Constitution does not provide that, and I understand that the previous members of the Public Service Commission had taken up that attitude, which appears to me to be quite reasonable.

Sir, the second point that I want to go on to is about the practice which is being observed of circumscribing the scope of the Public Service Commission to an increasing extent. There seems to be a tendency to take away more and more appointments from the purview of the Public Service Commission. For reasons that I have already stated, I do not consider it a healthy practice. Reference about this has been made in the report itself, and an honourable member has also stated that more and more appointments were being taken away from the purview of the Commission. Even with regard to regulation 35—I am not speaking about regulation 35A—which, I understand from the deleted portions of the original report read out by the Chief Minister, was regarded as *ultra vires* of the Constitution by the previous members of the Public Service Commission. I do not know whether that was *intra vires* or *ultra vires*, but one point does appeal to me. The issue was this: whether the Government should, in the matter of making certain appointments, send in only a particular name and ask an opinion from the Public Service Commission as to whether that particular candidate satisfies the minimum qualifications laid down. Now, Sir, that is, as the previous members have held, is something affecting or influencing the manner of their selection. The Government, under the Constitution, may take certain appointments out of the purview of the Commission; but if the Commission is to select or make any appointment or make any selection the question arises whether it would be at all right to restrict the scope of work or activity of the Commission by referring to them a particular candidate and only asking thereafter whether he satisfies the minimum qualifications or whether it is not better that the Public Service Commission should always seek to appoint the best available man.

Coming to regulation 35A, what has the Government done? Certain appointments are taken away from the purview of the Commission but on condition that the Government appoints a Selection Committee and gets the candidate appointed through that Committee. What is the difference? When the Public Service Commission appoints certain candidates, selects certain candidates then also if the members are not conversant with a particular type of work for which a candidate is required they invite experts to help them, so that we are assured that they will not select somebody who is quite ignorant of the matter for which he is required. And what is Government doing? Government is doing the same thing; it is appointing a Selection Committee. Then why circumscribe the scope of the Public Service Commission's activity? That should be all the more reason for not taking such appointments out of the Public Service Commission's purview and for this reason. There may be errors of judgment. But there may be error of judgment on the side of the Public Service Commission, there may be error of judgment on the side of Government also, but when there is error on the side of Government there will be criticism on the ground of nepotism, corruption, etc., but nobody will bring such a charge against the Public Service Commission. That is the safeguard. What does the Government gain by taking out such appointments from the purview of the Public Service Commission and then itself appointing candidates? I concede

that they may appoint the best possible candidate, but even if they appoint the best possible candidate they will be subject to the criticism that they are appointing their own men. Why do they take that sort of ignominy upon themselves? How does it help them? I submit it is in the Government's interest not to restrict the scope of the Public Service Commission's activity.

Now about these regulations. It is quite true constitutionally that the regulations, which were subsisting before the Constitution, still hold good today. But we have been given certain rights under the Constitution, namely, that the regulation would be placed before this Assembly. I think it is desirable that Government should take recourse under that section and take an early opportunity of placing all these regulations before the House, so that the House may discuss it and give their opinion on it. There is no hide and seek about this matter. It is a question which affects the administration of the country, and as everybody wants good administration we should take every care that the machinery for the selection of officers must be above suspicion.

The last point that I want to make is about the composition of the Commission, and that has already been referred to by my friend S. J. Deben Sen. That there has been a significant change in the wording in this Constitution as compared to what it was under the 1935 Act is clear. In the 1935 Act the wording about official members was that they should be at least one-half and now under the new Constitution they are to be as nearly as may be one-half. The intention of the law-makers, the intention of the Constitution is therefore quite clear, and I think, Sir, it is a salutary practice that there should also be non-officials on the Commission.

What I have said should be sufficient to convince you that it is extremely desirable that the Public Service Commission should be such a body as would be above suspicion. Unfortunately, the way in which the Public Service Commission now has worked has created a lot of suspicion and, as I have said, not without reason. I hope, Sir, whoever may be the competent authority, whether it is the Governor or the Government, it will bear in mind the considerations that I have urged and take suitable steps for the maintenance of dignity and independence of the Public Service Commission and also for not restricting its scope of operation except on sufficient and really tenable grounds, so that the State may be assured of the services of an efficient and honest official personnel in its administration.

**S. J. DEBENDRA NATH SEN:** Sir, I want to move an amendment to the motion of Mr. Rafique.

**MR. SPEAKER:** There cannot be any amendment. The only motion is that it should be discussed.

**Janab MUDA8SIR HOSSAIN:** Mr. Speaker, Sir, unnecessarily much heat has been created in the course of debate and discussion in respect of this subject. It seems to me that the whole thing is a storm in a tea-cup. (S. J. C. GUPTA: Tea-cup or teapot?) Anything. চা থাকলেই তোলা। (Laughter.)

The first objection that has been taken is that the report of the Public Service Commission shall be annually sent to the Governor, and the Governor shall cause the report to be laid before the House for the information of members of this honourable House. Sir, that is the first point. Now, who is the Governor? Under Article 154 of the Constitution "the executive power of the State shall be vested in the Governor and shall be exercised by him either directly or through officers subordinate to him in accordance



with this Constitution'. Therefore the executive power of the State shall be vested in the Governor and he will exercise such power through his subordinate officers. Now, this report as it appears from the context was submitted by the Public Service Commission to the Secretary in the Finance Department. This Secretary in the Finance Department is directly subordinate to the Governor and whatever Governor does in this matter he exercises the power through his subordinate officers, namely, Finance Secretary, etc. Therefore the Governor is nothing but simply the head of a State and when the Commission sends the report to the subordinate officer who is actually in seisin of this matter, it will be deemed to have been sent to the Governor. Now, Sir, we must look to substance and not to form, etc. If you look to the form and not the substance you will jeopardise the whole problem. Under Article 163 it is laid down that "there shall be a Council of Ministers with the Chief Minister at the head to aid and advise the Governor in the exercise of his functions, except, in so far as he is by or under this Constitution required to exercise his functions or any of them in his discretion". Now, Sir, it is the Council of Ministers or one of the Ministers who is to aid or advise him to lay the report before this honourable House and he has done so. So, neither technically nor substantially there is any defect. That disposes of the matter. Now, Sir, this is the report of the Commission for the work done during the year and if this report contains any extraneous matter which is irrelevant for the purpose of the report then, Sir, the authority to whom the report is submitted may call upon the Commission and say "why have you introduced these irrelevant matters which are not required by Statute or law" and they may ask the Commission to leave out something which is not relevant for the purpose of the report, and the report may be revised accordingly. There is nothing wrong in it. Therefore to say that this is wrong or it has been done at the instigation of some one—Sir, the word "instigation" means "insinuation" as every lawyer knows—is very bad. The word "instigation" means "insinuation" and it should be held unparliamentary. The work done here means the work that was entrusted to the Commission, namely, the duty of the Commission as has been enumerated in the Constitution—to hold public examinations for the purpose of selecting officers and other personnel and to give opinion in other matters relating to the appointment which is referred to them. These are two categories of duties entrusted to the Commission by the Constitution and there are no other duties, Sir. My friend Mr. Bimal Comar Ghose says that opinion also should be given by the Commission. Sir, to me it seems to be fantastic. What the Commission is to do is to give only the statement of work they have done and nothing more. Where is the scope for opinion? If they do that they will be trespassing into the domain of others. I find, Sir, that the Council of Ministers have accepted all the recommendations of the Commission except in one or two cases and they have given ample and sufficient reasons for not accepting those recommendations of the Public Service Commission. Now, Sir, I ask who has rejected their recommendations? Sir, it is the national Government, the Government of the people and elected by the people. Therefore they are a responsible body of persons and we must have full confidence in them. As the Government of the people if they cannot do that, I do not know what else they can. Sir, they took everything into consideration when they came to that conclusion and it was only in one or two cases that they came to the conclusion that the recommendation of the Public Service Commission could not be accepted by them. And I think Government was quite in their right to do that.

Now, Sir, in this connection I would make an appeal to Government. I would refer them to Article 16(4) of the Constitution and pray that for backward classes including the backward Muslim community a certain proportion

of posts should be reserved as a sort of encouragement to them and in that matter no consultation with the Public Service Commission would be necessary. In order that ours may be a welfare Government it is our duty to look to the welfare of every citizen and raise up the backward section of our population to the level of the Highest and most educated section. Therefore I would request that Government will be pleased to fix a certain proportion of posts for appointment from among the members of the minority community. Sir, for every other minority community something has been done but nothing has been done for the poor Muslim community. I would ask the Council of Ministers to bear this in mind and that is my humble prayer.

**SJ. HARIPADA CHATTERJEE:** মাননীয় সভাপাল মহাশয়, আমাদের তিনটি safeguardএর কথা আমরা আগে উল্লেখ করি—Judiciary, Public Service Commission আর Account's Finance. Judiciary আমাদের guardian of democracy, Public Service Commissionকে আমাদের guardian of services বলা যায়। Executiveএর মধ্যে যদি nepotism, jobbery ইত্যাদি তাঁরা নিয়ে আসতে চান, তাহলে কোন গণতন্ত্র বা শাসনতন্ত্রই ঠিকভাবে কাজ করতে পারে না এটা তার সম্পূর্ণ পরিপন্থী। অতএব এখন Public Service Commissionএর স্বাধীনতা বজায় রাখা সর্বোপরি দরকার। কিন্তু আমরা দেখছি যা ঘটছে বাঙালীদের তা অপূর্ব। প্রথমে Chief Judgeকে আমাদের প্রধান মন্ত্রী বিচারকের উপর মন্তব্য করে চিঠি লেখেন, Judiciary যেটা আমাদের guardian of democracy—তার উপর আমরা মাতব্বরি কবি অর্থাৎ অদ্ভুত contempt of court করে বসি। Public Accountএর কথা বলে আর দরকার নাই। Public Account কমিটির একটা মিটিং এখন পর্যন্ত ডাকা হয় নাই। Guardian of services যেটা, সেই Public Service Commissionএর মধ্যে কি রকম ব্যবহার। প্রথমত: আমার মনে হয় এত হাস্যাম্বাস না করে ওটা Parliamentএ একটা অনুরোধ পাঠিয়ে Constitutionটা একটু বদলে নিন। রিপোর্ট মানে সেটা Finance Secretaryকে প্রধান মন্ত্রী মহাশয় যা বলে দেন, Finance Secretary সেটা জানিয়ে দেবেন, Public Service Commission সেই অনুযায়ী রিপোর্ট লিখবেন। পড়ে দেখুন ৩২ত, factual report বলে তার মধ্যে কোথাও কিছু নাই। অথচ এঁরা বলছেন Public Service Commissionএর factual report ছাড়া অন্য কোন report দেবার অধিকার নাই। রিপোর্ট যা দিতে হবে, তা কি তাঁদের মনোমত দিতে হবে? অবশ্য মুখ্যমন্ত্রী মহাশয় একাধারে তিনি সবই। সেদিন “মুগাফরব” সম্পাদকীয় ক্রমে একটা কথা বলা হয়েছে—তিনি সকলের জ্যাঠা মায়া। ঠিক কথাই তাঁরা বলেছেন। সব ব্যাপারেই তিনি সবজাড়া, সব ব্যাপারেই তাঁর অধিকার ও অভিভাবক্য। তাঁরা Public Service Commissionকে একান্ত বশ:বদ করতে চেয়েছেন। Public Service Commissionএর নাকি sense of chivalry নাই। প্রধান মন্ত্রীর আছে তা। Sense of chivalryই বটে। Public Service Commission লম্বাচ্ছে যে কথা বলা হচ্ছে, সেটা কি Public Service Commission মেম্বারদের পেছনে বলা হচ্ছে না? Public Service Commission legislatorদের বিরুদ্ধে কিছুই বলেননি বরং তাঁরা তাঁদের (legislatorদের) যে অধিকার সেই সম্বন্ধে তাঁদের সজাগ করেছেন। আমাদের এই সরকার ঠিক এর উল্টো করছেন। তাঁরা কি করছেন? বাংলাদেশের অধিত্য যে B. K. Basu'র মত স্বাধীনচেতা লোক, তাঁর বিরুদ্ধে, তাঁর পেছনে তাঁরা কথা বলছেন। বহু familyর একটা aristocracy আছে, তাঁর এক ডাইএর বাড়ীর সামনে দুটো সিংহ বসে থাকে—নিভিক স্বাধীনচেতার পুত্রিক। সেই বিকে বস্ত্রের মত Chairman, তিনি একটা report দিয়ে গেলেন, তাঁর পেছনে কত কথা হচ্ছে। এটা Contemptuous of the Legislature, এই কথা কাগজে বেরুল, এগুলো তাঁদের পেছনে বলা হচ্ছে। এই হল Ministerদের sense of chivalry. ডাকনাক ব্যাপার করে তুলছে। ব্যাপার কি করেছেন? রিপোর্ট তাঁরা যা করেছেন, তা কাজের কাজই করেছেন। তাঁরা করেছেন আমাদের Constitutionএর ৩১৩ ধারাতে বলছেন transitional provisions বেগুলি, যতক্ষণ পর্যন্ত তার পরিবর্তন না হবে, ততদিন পর্যন্ত আগেকার আইন কানুন চলবে। কিন্তু ৩১৩ ধারার বলছেন—Until other provision is made in this behalf—আগের এই সবই চলবে। কিন্তু বলছেন—But shall continue in force so far as consistent with the provisions of this Constitution. এই Constitutionএর যে provision consistent সেই অনুযায়ী চলবে। মন্ত্রী Constitution অপূর্ণ করেই

চলছেন। Regulationগুলি Legislatureএ place করে দিক করে নেবার নানটা পৰ্যন্ত নেই। Regulationগুলোর কথা বলায় প্রধান মন্ত্রী প্রথম তো চটে মটে একেবারে অস্থির। আমরা “যুগান্তরে” সেবেজিয়ার যারা পকেটনার, তারা সভা করে ভীষণভাবে আলোচনা করছে। তারা যে ওপুভাবে পকেট নারে পঞ্চাঙ্গারীদের, তা প্রকাশ হয়ে গেছে। ওপু কথা প্রকাশ করা ভয়ানক অন্যায়। সেজন্য তারা কাউকে বলছে C. I. D. উনি ৪৫ বার বললেন, Public Service Commissionএর প্রথম রিপোর্ট দেখেন নি, জানেন না, অমুক, তমুক—যা খুলী বললেন। Regulationগুলো পড়ে সেবেজেন? Public Service Commissionকে অগ্রাহ্য করাই যেন তাদের উদ্দেশ্য। যেভাবে পকেটনার ধরা পড়ে, তারা আজ সেইভাবে ধরা পড়ায়, তাদের মধ্যে এত চাকল্যের সৃষ্টি হয়েছে। Regulationগুলো পড়লেই সব বুঝবেন। Constitutionএ section 16(1)তে এই কথা পরিচ্ছদ্য করে বলছে যে there shall be equality of opportunity for all citizens in matter relating to employment or appointment to any office under the State. এমন যদি প্রত্যেককে equal opportunity দিতে হয় তাহলে Public Service Commissionকে দিয়ে সব appointment কমান ছাড়া পথ নেই। আগে Governor in discretion ছিলেন সেও একটা safeguard ছিল, এখন তাও নাই। Independence Act পাশ হবার পর Governor in discretion বলে কিছু নেই; এখন Ministersই সব। গভর্নরকে দিয়ে nominate করা ব্যবস্থা কমান মানে Ministerদের কুক্ষে Governorকে party করে নেওয়া। সেখানে section 16(1) of the Constitution violate করলেন। Regulation এক বছরে চ্যুতি করেছেন। কবলেন কি করে?

একজন Town Planning Chief Engineer নিযুক্ত করতে হবে, সেটাও গভর্নর nominate করে দেবেন; সেটা আর Public Service Commissionএ যাবে না। অর্থাৎ এই Executiveএ অন্যায়ের সীমা নাই। এই রকম বহু ব্যাপার আছে। এর সবচেয়ে বড় ব্যাপার হচ্ছে nepotism and jobbery. নিজেদের কয়েম রাখবার জন্যই তারা তা করছেন। Regulation 35A—Technical post—তারা তা Public Service Commissionএ পাঠাবেন না Cabinet থেকে কবলেন। হাট নাড়ছেন Education Minister তাঁকে বলি, শ্রীকমল কুমারকে Public Service Commission appoint কবলেন না কেন? তাঁর কি technical qualification যা Public Service Commission বিচার করতে পারবেন না? তাঁকে এরা appoint কবলেন আটশো টাকা থেকে—আরও allowance ইত্যাদি আছে। কি কাবণ থাকতে পারে এত টাকা তাঁকে দেবার? Regulation করেও সেটা Public Service Commissionএ যেতে দিলেন না। তারপর অমল হোম, তাঁর মাইনে বারশো টাকা, allowance ইত্যাদিও আছে। এমন কি তাঁর technical qualification যে Public Service Commission তা বিচার করতে সমর্থ নন? তাঁদের মতলব হচ্ছে তাঁরা কিছুই Public Service Commissionএ আসতে দেবেন না। আব ডিপার্টমেন্টে তাঁরা কি করছেন? সে তো যা হচ্ছে তাঁরা তাই করছেন, ইচ্ছামত appoint করে যাচ্ছেন। Public Service Commissionকে এমন কি সজাগ দৃষ্টি রাখতে হয় কোথায়, কত appointment হল তাই বুজে বার করার জন্য Public Service Commissionকে বরফটা জানানও মন্ত্রীরা দরকার মনে করেন না। এই যে বলছেন contempt of the Legislature Public Service Commission করেছেন যেটেই তা নয়। বরং তাঁরা সেখানে দিচ্ছেন Legislatureএ Regulationগুলো এনে দিক করে নেওয়া উচিত। Constitution বলছে, তাঁরাও সেটা বলেছেন regulation করলে এই Legislatureএ তা place করতে হবে। ভালই। তাঁরা point out করেছেন, অতএব Public Service Commission প্রথম রিপোর্টে বিবিধ এই কথাগুলি মন্ত্রীরা অন্যায় করে উঠিয়ে দিলেন। এখানে যে portionটা উঠালেন—দুটো বই আমাদের কাছে রয়েছে, প্রধান মন্ত্রী পড়েও গেলেন—অর্থাৎ প্রথম বইএ কোন অন্যায় কিছু লেখা হয় নি অর্থাৎ ঐ অংশটা উঠিয়ে নেবার প্রয়োজন হল কেন? উনি Public Service Commissionকে গ্রাহ্য করেন না, ইচ্ছামত appoint করে গেলেন। Public Service Commissionকে বুজে বুজে গভর্নরদের কাছ থেকে appointmentএর সংখ্যা বের করতে হয়, এবং তাঁরা বলেন, আমাদের জানাও কি হ’ল। ওঁরা একটা suggestion দিলেন—তোমরা প্রত্যেক বাসে যে সবত appointment কর, আমাদিগকে তার একটা তালিকা দেও। তাঁরা সেটা নুতন বইতে উঠিয়ে দিলেন। In order to obviate the necessity of such references the Commission suggest that the department should be required

to compile full lists of all appointments made by them at least once a month and forwarded them to the Commission with their explanations, if any, with regard to the appointment made without consultation with the Public Service Commission so that in appropriate cases the matter may be further pursued. অবনি সেটা উঠিয়ে দিলেন। তাঁরা কেবল nepotism and jobbery ছাড়া আর কিছু বোঝেন না।

এখন সেখানে West Bengal Civil Service Examinationএর ব্যাপারে কি রকম কাণ্ড ঘটে সেটা একবার দেখুন।

West Bengal Civil Service Examination ফেব্রুয়ারী মাসে প্রত্যেক বার হবার কথা,— 27th February থেকে 10th মার্চের মধ্যে। এপ্রিলে result বেরুবার কথা, আজ পর্যন্ত বেরুল না। কিস্তি কথা আছে—কারণ এই যে ২৫৩টি candidate ওদের আছে viva voce examination এই viva voce examination এতেই তাবা কিছু কাবসাজি করে থাকে এটায় এমন ধারা ব্যাপার হয় যাতে ইচ্ছামত ফেল করে দেয়। ব্যাপাবাটা হচ্ছে আবার candidate আছে, তার candidate আছে, ওর candidate আছে, এই candidateএর মারামারি নিয়া তাবা সহজে ঠিক করতে পারে না কাকে বকে পাশ করান হবে। এবং এই জন্যই examinationএর result out করা হলো না, কারণ এখনও ঠিক হচ্ছে না কার কার candidate নেওয়া হবে, এবং সেই মারামারি বেঁধে গেছে। ১৯৫০তে examination হলোই না এই ত কাণ্ড। Public Service Commission যে সমস্ত candidate recommend করে পাঠায় তা মন্ত্রীসের মনঃপুত না হোলে তাঁরা তাঁদের appoint করেন না। এখানে আমরা দেখছি Public Service Commissionএর 49 and 67এর মধ্যে তাবা appoint করলেন না। তাদের recommend 49 out of 67—মানে 73per cent appoint করলেন। কারণ মনঃপুত না হোলে তাঁরা appoint করবেন না। 1950এর ১৬শে Januaryর পরে regulationএর কথা নাই। সেখানে কথা পবিষ্কার 27th January, 1950র পরে আর regulation করা হয় নি। তাবপরে illegal বেআইনী করেছেন, তাতে তার Governorকে পর্যন্ত party করেছেন। তাবপরে আমরা দেখছি Secretaryর postএতে ১৯৮ ধারা অনুযায়ী Governor—Public Service Commissionএর ১৯৮ ধারা অনুযায়ী Governor appoint করতে পারেন। নিজেই regulation করে।

আগের Secretaryর pay 750 টাকা থেকে 1,000 টাকা ছিল; নতুন Secretary, যখন appoint করতে গেলেন তখন করলেন 700 টাকা থেকে 900 টাকা অর্থাৎ কমিয়ে দিলেন। গায়ের জোরে কমিয়ে দিলেন। Appoint করার পূর্বে regulation হয় নাই, এটা হয়েছে পরে। 26th of January, 1950র পরে এই বেআইনী কাণ্ডটা করেছেন appointment of the Secretary regularise করার জন্য। প্রত্যেক ব্যাপার এঁদের যা ইচ্ছা তাই করা অভ্যাস হয়ে গেছে, এবং মনে করেন এসব কেউ জানতে পারবে না বুঝতে পারবে না, যা ইচ্ছা করে যাব এবং কবে যাচ্ছেনও তাই, কিন্তু এগুলি will react on them টকা যা করছেন তাতে forgeryতে পারবেন। Forgery থেকে ওদের তদানিন্তন Chairman বাঁচিয়ে দিয়েছেন, ওরা কিন্তু reportটা বদলিয়েছেন memorandum বদলান হয় নাই। মাঝখানে কয়েকটা পাতা বদলে ওই বইটাটা চালাতে চেষ্টা করেছিলেন। নতুন বইটাতে ২৪টির বেশী প্যারাগ্রাফ নাই অথচ memorandum ২৪১১, ২৪১২ করে ২৬ অবধি সেগান দিয়েছে। কারণ আছে (A VOICE FROM the GOVERNMENT BENCHES : তদানীন্তন chairmanকে সব বলবেন।) এগুলি আগেকার Commissionএর নাম দিয়ে বের হোত। ওরা (তদানীন্তন Public Service Commission) জানুয়ারীতে একটা চিঠি লিখেছেন Governorএর কাছে যে এই fraud হচ্ছে। ১৯শে জানুয়ারী এই চিঠি যায়। ওরা report submit করলে সেটা ওদের নাম দিয়ে বদলান চেষ্টা তখন বন্ধ হয়। নতুন Public Service Commission একান্ত বশব্দ; এঁদের একজন ছিলেন Postmaster-General, একজন পাশ কোর্সের বি এ, আরেকজন constitutionally হতে পারেন না কারণ physically unfit. এখানে সেই জন্য যে আরেকটা ভবনই জানাচ্ছি যে আরও চমৎকার। পূর্বের Public Service Commission ৪ তলার সমস্ত অংশটা চেয়েছিলেন—Anderson Houseএর Public Service Commissionএর জায়গা করার জন্য that it would be convenient if the entire eastern end of the Anderson House will be

placed at the disposal of the Commission এবং সেইজন্য Finance Department has again been written to accordingly. বর্তমান Chairman physically unfit স্বভাৱে ৪ ড়াৰ উঠা তাঁৰ অৱবিধা অতএৱ এই portionটি নূতন report থেকে বাদ গেল। তাৰপৰে আৱেকজন শ্ৰীমন্তীল কুমাৰ মুখাৰ্জি, তিনি চিৰকাল এঁদের বশৰদ। কাজে কাজেই তাঁরা সমস্ত দেশের সৰ্বনাশ কৰাৰ জন্য guardian of services Public Service Commission একটা তাঁবেদাৰ কমিটিতে পৰিণত কৰেছেন। এই তিনিখ আৰ বেনীদিন চলবে না। দেশের লোক আৰ এই কাজ বৰশাও কৰবে না যে তাঁদের বশৰদ লোকদের সমস্ত important departmentএ বসাবেন। Civil Supply Department ও Food Department নিয়ে ওঁরা যা ইচ্ছা তাই কৰেছেন—Public Service Commissionএৰ ধাৰ ওঁরা ধাৱেন না। ছুয়টা regulation এবছৰেই কৰেছেন। আমি আৰ বেনী বলব না। Regulationগুলি অন্তত দেখান উচিত ছিল। British regime যদি হত তাহলে ওঁরা যা কৰতেন না ওঁরা তাই কৰেছেন, Governorকে party কৰেছেন, Governorকে দিয়ে ওঁরা অনেক কাণ্ড কৰেছেন। In case of appointment of Secretary, অৰ্থাৎ the new Secretary ওঁরা যা কৰেছেন সেটা হচেছ এই appointmentএৰ পৰে regulationটা কৰা হয়েছিল—the regulation was made afterwards. I emphatically say; regulation না কৰেই তাঁকে appointed কৰা হয়েছিল এবং তাৰপৰে regularise কৰাৰ চেষ্টা কৰা হয়েছ।

**Mr. SPEAKER:** There are two things to which I want to draw the attention of the honourable members. The first is that the simile of পকেটমাৰ which he used should not have been used. That should be discouraged. The second thing that I want to say is that the Governor should not be dragged in as a party.

**The Hon'ble NIHARENDU DUTT-MAZUMDAR:** Sir, will your ruling result in expunging that portion?

**Mr. SPEAKER:** I will consider that.

**SJ. CHARU CHANDRA BHANDARI :** মাননীয় শ্ৰীকাৰ মহাশয়, এই ৰিপোৰ্ট নিয়ে অনেক আলোচনা হয়েছে, আমি দুয়েকটি কথা বলেই শেষ কৰব। প্ৰশ্ন হচ্ছে যেজন্য এই ৰিপোৰ্ট পৰিবৰ্তন কৰা হয়েছিল—আমাদের সামনে দুইটি report আছে, বদলান যে হয়েছে এবং সেটা যে অনুচিত হয়েছে একথা অন্যান্য শ্ৰীকাৰও বলেছেন। কিন্তু যেজন্য বদলান হয়েছে সেটা হচ্ছে as to the works done by the Commission. সেটার ৰিপোৰ্ট দিতে হবে এবং প্ৰথম ৰিপোৰ্টের মধ্যে তাদের মতে এমন কতকগুলি বিষয় ছিল যেটা work done by the Commission এই যে Constitutionএ আছে এর মধ্যে পড়ে না। আমি বলব অন্য কথা বলবার আগে, যদি সেই সমস্ত বিষয় যা এই ৰিপোৰ্টে বাদ দেওয়া হয়েছে যদি পড়ে যায়, আমি বলব এই সব বিষয় যদি না থাকে তাহ'লে পূৰ্বেকার যে কৰিশন বাঁরা এই ৰিপোৰ্ট দিয়ে গিয়েছেন they failed in their duty, কাৰণ, এর মধ্যে যে বেশী বিষয় আছে তা হচ্ছে এই যে regulationগুলি Legislatureএৰ সামনে আনা উচিত এইজন্য যে কোন কোন regulation *ultra vires* আৰ কোন কোন regulation constitutionally হয়েছে। অতএব তাঁদের যদি কোন protection দেবার কিছু থাকে তাহ'লে নূতন Constitutionএৰ article 320তে বলা হয়েছে কোন regulation কৰলে সেটা ১৪ দিনের মধ্যে or as soon as possible Legislatureএৰ সামনে আনতে হবে এবং Legislature সেটার amendment বা alter করতে পারবেন। অতএব Public Service Commission যদি কোন regulation *ultra vires* of the Constitution বনে করেন, কোন regulation improper বনে করেন, কোন regulation যারা তাদের independenceএৰ উপর limit আৰোপ কৰা হয়েছে বনে করেন, তাহ'লে কাৰ কাছে আপিল কৰবেন এবং কিভাবে appeal কৰতে পারবেন তাঁরা তাঁদের reportএ এই suggestion না দেন সেটা Legislatureএৰ সামনে যাওয়া উচিত, যদি না দেন তাহ'লে আৰ কিভাবে যেতে পারবেন? অতএব তাঁদের অভ্যুত এইগুলি তাঁদের workএৰ অন্তৰ্গত। স্বভাৱে এগুলি যদি না দেওয়া হ'ত তাহ'লে তাঁদের কৰ্তব্যচ্যুতি হ'ত। এবং Government তাঁদের guilty mind reveal কৰেছেন এগুলো বাদ দিয়ে, তাঁদের যে suggestion সেগুলি না দিয়ে। তাৰপৰে আমি বলছি এই যে precedent ওঁরা

create করলেন, এটা Speaker মহোদয়কে বলছি, কোথাও এরূপ নাই যা তাঁরা যেখানে পারবেন। এক Commissionএর রিপোর্ট অন্য কমিশন পরিবর্তন করতে পারবে এমন কোন স্বভাব বাধ্যতা এর মধ্যে নাই। এই রকম করে যদি রিপোর্ট বদলান হয় এব ঘটা একটা bad precedent সৃষ্টি করা হয় এবং in the history of the Public Service Commissionএর parallel নাই, কিন্তু সেই ইতিহাসই সৃষ্টি করা হ'ল পশ্চিম বঙ্গে, by improper conduct on the part of Public Service Commission at the instigation and instance of the Government. এই বিষয়ে এই পর্য্যন্তই ব'ললাম।

তারপরে হল এই যে, আগে যেসব regulation আমাদের Constitution হওয়ার আগে, independence হওয়ার আগে ছিল, সেই regulation স্বাধীন হবার পরেও কি থাকবে—যদি না consistent with the constitution হয়? কিন্তু নতুন Constitution অনুসারে কোন regulation হলে সেগুলি Legislatureএর সামনে আনতে হয়—যদি কোন amendment বা alteration Legislature করতে চান। এবং নতুন Constitutionএর Public Service Commissionএর power এবং independence নতুনভাবে extended করা হয়েছে। অতএব Governmentএর কর্তব্য ছিল যে independence হবার পরে অন্ততঃ 1950র ২৬শে জানুয়ারীর পর নতুন Constitutionএর আমল যখন এল তারপরে সমস্ত regulation পূর্বকার regulation সমেত Legislatureএর সামনে place করা, অন্যথায় তাঁদের কর্তব্যচ্যুতি। এবং সেইজন্য আজ এই অসুবিধা হচ্ছে। এই regulation সম্বন্ধে যেসব remark হচ্ছে সেই সমস্ত remark উড়িয়ে দেওয়া চলে না যখন দেখি এর মধ্যে রয়েছে *ultra vires* of the spirit of Constitution. তারই মধ্যে থেকে নিয়ে আমাদের যা information তাতে Public Service Commission বলেছেন—যে কয়টা caseএ উক্তর তাঁরা দিয়েছেন এছাড়াও আরও ৫০০ caseএ এইরকমভাবে Government Public Service Commissionকে consult না করেই যেটা করা তাঁদের উচিত ছিল, নিজেরাই appoint করেছেন। অতএব Government তাঁদের কর্তব্যাহানি করেছেন। Government irregularity করেছেন। এই সমস্ত ভিনিসয়্যাবা এইটাই প্রমাণ হয় Governmentএর মনে পুরাপুরি autocracyই আছে।

**Mr. SPEAKER:** Mr. Bhandari, you have discussed more things of the Public Service Commission than the report of the Commission itself. With regard to the regulations they say that no regulations have been made after the 26th of January. You cannot, therefore, say that.

**Sj. CHARU CHANDRA BHANDARI :** Government তাদের এই যে report Public Service Commissionএর report আগেকার report যা আপনাদের সামনে এসেছে তাতে এই সমস্ত বিষয় বলা আছে। এবং সেগুলি উল্লেখ করে তার সম্পর্কে মন্তব্য করছেন। Governmentএর এই যে উদ্দেশ্য—Government Public Service Commission সম্পর্কে কোন regulation বা তাঁরা কিভাবে কাজ করবেন তার কোন ভিনিসয়্যে Legislatureএর সামনে আনতে চান না। তার একটা প্রমাণ আছে মন্তব্য। ২৬শে জানুয়ারী ১৯৫০ সালে নতুন Constitution will come in force. এবং এর পর থেকে কোন regulation করলে আগের regulation আনা উচিত ছিল—under article 372. সেগুলি যদি না আনেন তাহলে নতুন regulation ২৬শে জানুয়ারী ১৯৫০ এর পরে আনতে হবে—সে দায়িত্বে ২৫শে জানুয়ারী ১৯৫০ সালে একটা regulation করেছে। সে regulation, তাদের শেষ regulation পাড়ে ভিনিয়ে দিচ্ছি—

It shall not be necessary to consult the Public Service Commission with respect to filling up of the post of the Administrator-General and Official Trustee, West Bengal, except on the claims of the candidates nominated by the Governor on the advice of a Selection Committee consisting of the following.

অর্থাৎ Governmentএর এই যে tendency ক্রমে ক্রমে Public Service Commissionএর স্বতন্ত্র সন্মোচন করা—এই সন্মোচন করার কার্যে Legislative Assembly যদি আপত্তি করে সেই আশঙ্কায় তাঁরা একটা regulation করে নিলেন ঠিক যেদিন নতুন Constitution will come into force—তার পূর্বে

দিন। এর থেকে Government-এর যে কি মতলব প্রকাশ পায়। এই regulation এটাই প্রকাশ পুচ্ছে কেন এ report-এ প্রথম report কাটাবার চেষ্টা করা হয়েছে। কেন এর থেকে বিভিন্ন clause বাদ দিবার চেষ্টা হয়েছে এর থেকেই প্রমাণিত হচ্ছে। অনুদাবাব্ব একখানি পত্র লিখেছিলেন, যেন মুখ্যমন্ত্রী মহাশয়,—১৬।১২।৪৯ তারিখে Public Service Commission-এর Government-এর কাছে গিয়েছিল এবং ২৯শে, আগষ্ট তারিখ বা Public Service Commission লিখেছিল সেই পত্র তিনি যেন সঙ্গে আনেন। মুখ্যমন্ত্রী মহাশয় ২৮শে তারিখ তার অংশবিশেষ আমাদের কাছে পড়েছেন, তাঁরা যে এই সমস্ত বিষয় লিখেছেন সে সম্পর্কে unrepentant. এই information-এর সম্পূর্ণ চিত্রখানি মুখ্যমন্ত্রী মহাশয় এখানে পড়েন নি, যদি পড়তেন তাহলে প্রকাশ পেত অনেক জিনিষ। আমি এটা দাবী করি মুখ্যমন্ত্রী মহাশয় সেই পত্র আমাদের সামনে এনে দিন এবং তাতে অনেক আলোকপাত হবে এই বিষয় ও অনেক বিষয় সম্পর্কে। ১৬।১১।৪৯ তারিখের পত্রখানিতে যেভাবে report দেওয়া হয়েছে তাতে সেই report এই report-এর অঙ্গীভূত বলে মনে করা যায়। কারণ প্রথম report-এর উপর যে সমস্ত পত্র আলান-প্রদান হয়েছে সেই সব কথাই প্রকৃত-প্রস্তাবে এই report-এ আলোচনা করা হয়েছে। এগুলি যদি না আনা হয় তাহ'লে আলোচনা অসম্পূর্ণ থেকে যাবে। আমার যেটুকু information এই ১৬।১২।৪৯-এর পত্রের মধ্যে আরও ৫০০ case-এর কথা উল্লেখ করা আছে। যেখানে Government Public Service Commission-কে consult না করেই appointment দিয়েছে। আর একটা কথা আছে—এই যে আমার পূর্ববর্তী বক্তার যা বলে গিয়েছেন যে সমস্ত ক্ষেত্রে Public Service Commission-এর recommendation সত্ত্বেও Government তাদের কথা গ্রহণ না করে অন্য লোক appoint করেছে। তার explanation Government দিয়েছে সে সম্পর্কে আলোচনা করা যায় না। একটা কথা বলি, যে অবস্থা চলেছে between the Public Service Commission and the Government of West Bengal সে বিষয়ে আমার মনে হয়, যে কেন্দ্রীয় বা India Government-এর একটা ভাল নিয়ম করা আছে—ভাল একটা convention সেখানে প্রচলিত করা আছে। সেই convention তাঁরা মেনে নিল। যদি প্রকৃতপক্ষে Public Service Commission-এর independence and dignity বাধতে চান—অনেকটাই খেলা করে দিয়েছেন Government তাদের অসমীচীন আচরণের দ্বারা—এবং তা যদি পুনঃপ্রতিষ্ঠা কর'তে চান, তার মর্যাদা যদি পুনঃস্থাপন করতে চান তাহলে এই জিনিষটা করুন। সে নিয়মটা হচ্ছে এই—

The rule adopted by the Central Government and promulgated by the Ministry of Home Affairs Memorandum No. 18/8-48 Establishment, dated the 20th August, 1949, is on these lines. It requires that when a Ministry even after a second consideration of a particular recommendation of the Commission considers that it should not be accepted the case is to be referred to the Ministry of Home Affairs who will place it before a Committee of the Cabinet consisting of the Prime Minister, the Hon'ble Home Minister and the Hon'ble Minister administratively concerned with the appointment. In cases in which the Home Minister or the Prime Minister happens to be the Minister concerned with the appointment the Finance Minister should be added to the Committee. Final orders will be issued by the Ministry concerned in accordance with the decision reached by this Committee.

এখন যা আমার মনে হয় যে অবস্থা চলেছে—পূর্বের ইতিহাস যা হয়ে গিয়েছে এখন যা চলেছে তাতে অন্ততঃ similar একটা rule convention-এর জন্য স্থাপন করুন যাতে একবার Commission কোন recommendation করেন সেটা Government, Minister concerned গ্রহণ না করতে চান আবার কিভাবে পাঠান তাদের কাছে। তেবে তারা পুনরায় recommend করবেন। Second recommendation যদি গ্রহণ না করা হয় Standing Commission থাকা উচিত যারা ভালভাবে এ বিষয়ে বিচার করবে এবং সৌভাব্য বিবেচনার সময় Public Service Commission-এর Chairman যদি ইচ্ছা করেন তিনি উপস্থিত থাকতে পারেন। He may explain his position. এই যদি করেন তবে এই সমস্ত বিষয়ে একটা সমাধান হ'তে পারে, তা ক্ষীণে কোন সমাধান হওয়াই উপায় নাই। আমি Government-কে সতর্ক করতে চাই যে অবস্থা হয়েছে, যে কেঁচু প্রকাশ পাচ্ছে, সমস্ত বিষয়ে Government ভুলে গেছে এবং এই সঙ্গে Constitution-এর যে একটা স্তম্ভ গড়ে উঠেছে সেই স্তম্ভকে তারা অবনতি করছেন।

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** Mr. Speaker, Sir, I have had tonight one of the strangest experiences of my parliamentary life which now extends over 20 years. Sir, we are discussing a matter in which the mover has not moved his motion at all.

**Sj. J. C. GUPTA:** It was moved on that day.

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** Then I stand corrected.

Now, Sir, it is not for me to answer the general arguments or rather the abuses which have flowed in torrents from the other side of the House because the Finance Department is mainly concerned with the subject-matter. After a very full and frank statement had been made by the Chief Minister tonight we thought that there would be no occasion for abuses which after all have been showered on the Government. Now, Sir, what are the facts that have given rise to this debate? The facts are that a report was made by the Public Service Commission: the report went to the Finance Department; and that the Finance Secretary drew the attention of the Public Service Commission to certain observations in their report which in his opinion were not factual and which in his opinion were *ultra vires* of the Constitution. If the Public Service Commission has the right to make a report, the Government or rather the Secretariat has the right to point out to the Public Service Commission that some of the observations in the report are not factual statements, that they are expressions of opinion, these are *obiter dicta*, and that these should be taken out of the report. That was the only thing that was done by the Finance Secretary. And when these irregularities were pointed out, namely, that some of the observations in the report were neither factual nor permitted by the Constitution, the Public Service Commission considered that note of the Finance Department and deemed it proper to withdraw some of their observations. Sir, it was the Public Service Commission which revised the report: the Government did not revise the report. That has been clearly brought out in the reply of the Chief Minister. (Sj. CHART CHANDRA BHANDARI: At whose instance?) The Secretariat had as much right to point out to the Public Service Commission that their report contained matters which were neither factual nor permitted by the Constitution. But to whom that communication was addressed? Not to any other body, but the Public Service Commission itself. And the Public Service Commission revised their original report. How then the Government can be accused as if they had revised the report? The report was not revised under compulsion from the Government. So it cannot be said, without imputing subservience to the Public Service Commission that what they did was not the right thing in their opinion and that certain wrong things were done by the Public Service Commission, because they were wrong in the opinion of the Opposition. Apart from this I have nothing more to say on the question of revision.

Sir, as regards the rules which have been framed, I do not understand how do the rules offend against the provisions of the Constitution. The rules simply say that so far as the technical and specialised appointments are concerned, those appointments will be made by appointment of special expert committees. That is all that the rules say. Well, if such a rule is considered *ultra vires* of the Constitution, then anybody can challenge that rule in the law courts.

Now, it has been said, well, you framed the rules just before the promulgation of the Constitution Act. Sir, very many Acts were passed, not these Rules only, both by the State Governments and the Central



Government before the Constitution came into force, and many of the provisions of those Acts are now being challenged in the High Courts or in the Supreme Court. The High Courts and the Supreme Court are declaring some of the provisions as *ultra vires*, and they are going out. But who can say that because the Constitution was passed, all the past Acts should be revised by the Government at their own instance and after bringing anticipatory amendments in the Legislature? No Government can do that. The Constitution has been passed by the Indian Parliament; it is functioning from a particular date. Now, there may be laws which are in conflict with the Constitution. So if the new rules that have been promulgated offend against the Constitution in any way, anybody can challenge those rules and have them declared as *ultra vires* by the courts. This is all I have to say on the general points that have been raised in the debate.

Sir, no answer can be given to abuses unless one can be prepared to descend to the level of those persons who delight in abuses. Of course, it may be considered to be the duty of the Opposition to create suspicion against the Government. Whether those suspicions or doubts will come to be entertained by the country or not, that has yet to be seen.

Sir, one thing has been brought out in this debate, namely, many of the things of which even the Government are unaware have come within the knowledge of the Opposition. The letters which could only be in the possession of the Public Service Commission, the informations which were known only to them are now open secrets and available to the Opposition. They are reading out those letters and challenging us alleging them to be facts. Sir, you can well infer what conclusion can be drawn therefrom. The only legitimate conclusion that can be drawn by the public from the debate that has been carried on in this House is that the Secretariat of the Public Service Commission has reduced itself to the Opposition Service Commission and nothing else. I repeat that if all these secrets, which were only within the knowledge of the Public Service Commission, could come to light, the only conclusion that must be drawn is that at one stage the Secretariat of the Public Service Commission somehow or other reduced itself to the position of the Opposition Service Commission.

**SJ. J. C. GUPTA:** It is a continuing Commission.

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** May be, Mr. Gupta, but I do not accuse the Public Service Commission; I only accuse the Secretariat of the Public Service Commission.

Now, Sir, coming to the particular instances—

(At this stage there was loud noise.)

**Mr. SPEAKER:** Order, order. He should be allowed to speak. Please let him speak.

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** Now, coming to the alleged nepotism that has been done by my department, the Education Department, regarding the appointment of a professor of Sanskrit to the Senior Educational Service in the Presidency College, let me give the full facts to the House. Sir, so far as the Education Department is concerned, we went to the Public Service Commission in 51 cases and in 50 out of 51 cases, we accepted the recommendations of the Public Service Commission and this is the one instance which has been quoted against my department. Now, Sir, let us see what the facts are in this case. Explanation, Sir, has been offered in cold print and it runs thus:

“The prescribed qualifications for appointment to the post are as follows:—

(i) The candidate must possess a first class degree in Sanskrit either at the B.A. (Honours) or at the M.A. stage of an Indian University or equivalent degree of a foreign University.

(ii) He should have experience of teaching Honours and Post-Graduate classes.

(iii) He must produce evidence of being able to carry on research work in Sanskrit studies.”

The Public Service Commission observes in regard to that appointment as follows:—

“The candidate recommended by the Commission, after scrutiny of qualifications”—I will prove in a minute that there was no scrutiny of qualifications—“and interview for the post of Professor of Sanskrit in the Bengal Senior Educational Service, was rejected in favour of another candidate picked by the department”—please note the language “picked by the department”—“out of the unsuccessful candidates. In this case also, the recommended candidate was provided subsequently with alternative employment in the Bengal Senior Educational Service as Secretary, Bangiya Sanskrita Siksha Parishad.” I have already given the House the qualifications that were advertised by the Public Service Commission. Let me remind the House of the three qualifications—(1) The candidate must possess a first class degree in Sanskrit either in B.A. (Honours) or M.A. stage. (2) He should have experience of teaching Honours and Post-Graduate classes. (3) He must produce evidence of being able to carry on research work in Sanskrit studies.

Now, the gentleman who was recommended by the Public Service Commission did not have the basic qualifications. He had neither a first class B.A. (Honours) degree nor was he an M.A. in Sanskrit. He had only a second class Honours degree in B.A. and that as I was informed after once getting plucked in the B.A. Examination of the Calcutta University. As regards the second candidate that was recommended by them, that candidate, Sir, had never any experience of Honours or Post-Graduate teaching. Now, the candidate that was “picked” by the department out of the 8 candidates who applied for the post was Sri Probodh Chandra Lahiri who had a first class B.A. (Honours) degree in Sanskrit of the Calcutta University. My friend S. Debendra Nath Sen said that he had only a degree of the Dacca University which was a inferior degree to that of the Calcutta University degree. No, he was not aware of the fact that Srijiut Lahiri obtained a first class honours in Sanskrit from the Calcutta University. Then he obtained also a first class M.A. degree in Sanskrit from the Dacca University and he secured the first position. Thereafter he obtained the Ph.D. degree in Sanskrit from the London University for his research work which was highly praised by his Professors in London. Since 1925 he was in charge of teaching Sanskrit in the B.A. (Honours) and in the M.A. classes in Dacca and when he was given this appointment, he had for three years been the Head of the Department of Sanskrit in the Dacca University. Sir, this is the candidate who has been chosen by the department surely against the recommendation of the Public Service Commission but simply because of the fact that persons with definitely inferior qualifications and—what is more—persons who had not the qualifications that were advertised by the Public Service Commission were recommended by the Commission. Government, Sir, having regard to its responsibilities, could not accept such recommendations at all. Government must have a first class man and

the Public Service Commission surely goes beyond its limits when it recommends a person who has not had the required qualifications—the prescribed qualifications—as advertised by the Public Service Commission.

Sir, it was my misfortune to receive a recommendation from the Public Service Commission in one instance—in the matter of appointment of a Professor of Chemistry, I forget which branch of Chemistry, Physical, Organic or Inorganic. We advertised for a Professor of Chemistry for one branch of Chemistry teaching—probably for Physical Chemistry—and a Professor was recommended who was not a specialist in that subject. He was probably an Organic Chemistry man. How could I accept such a recommendation, may I know from the House? So, my department had again to go to the Public Service Commission and tell it that we did not require such a man—we required a man—we required a man of the prescribed qualifications for taking up a particular branch of teaching. Then they revised their decision and they recommended a person who could be appointed to the post.

Now, Sir, out of a total of about 250 selection cases which are considered by the Public Service Commission for appointments, only 5 appointments were made where the recommendations of the Public Service Commission could not be accepted. Can the Government be accused of doing a very bad thing if they could not accept only 5 recommendations out of a total of 250 recommendations?

Sir, I have nothing more to say. I have disposed of all the arguments which were directed against my department and I assure the House that so long as I am in charge of the Education Department, I am going to do the right thing and going to take the fullest responsibility for that.

**The Hon'ble Dr. BIDHAN HANDRA ROY:** Sir, I did not want to intervene in the debate again. As I was away on a very important business I could not be present in the House. But I am told that one of the arguments that has been put forward by the Opposition is about the members of the present Public Service Commission. It is said that Dr. Sarbadhikary is connected with the Kalyani township. That is absolutely false. It is said that Mr. Basu is unable to do the work because of his physical infirmity. If the test of a Public Service Commission depends upon the amount of intelligence shown by its decisions, I will quote one example which came in my department to show what the Public Service Commission of a previous time did. We wanted a person—a doctor—for the Kanchrapara Hospital who was an expert in tuberculosis and one with knowledge of Surgery would have preference. What did the Public Service Commission do? They recommended a Surgeon who admitted he had never treated a case of tuberculosis. (Cries of "hear", "hear" from Government benches.) It is that is the test by which you can judge—I do not want to raise this question—I may mention any number of cases. But I say, Sir,—I have got such a power under the Constitution—the Government is prepared and is willing and is anxious to take every steps to see that the Constitution is observed, not merely in the matter of seeing that wherever there is a provision given to the Government to use its power, its authority not to send any cases to the Public Service Commission, they will continue to do so long as they are in office, but so long as it is given to them to put before the House the report of the Public Service Commission, they will see that the report is a factual report, if that is possible. But if the Public Service Commission happens to be a mad group of people and they want to put in certain things which are not factual, then it is necessary for the Government who place the report before the House to tell them that this is not the factual case and that they have gone beyond the Constitution, Sir, it does not lie well in

the mouth of those who break the Constitution themselves to teach us as to what the Constitution should be. Sir, I do not want to dilate on this matter further. I desire to say that we have done nothing about which we are ashamed. We have done everything that is in the interests of the State, of the Administration as such. We have taken all the powers that are given to us by the Constitution and we desire to utilise them to the full in the interests of the Public Services. I have no interest to follow except the interests of the Public Services and I challenge any one to show that in any of the transactions that we have done in any point we have been guided by anything but public service. It is not good simply throwing mud at each other it is no good simply using hard words, as my friend Mr. Gupta said "hard words break no bones". We are here to deal with the Constitution. We are here to see that the public institutions are provided with servants who are of proper merit, and if in the wisdom or unwisdom of the Government in some cases they have differed from the decisions of the Public Service Commission, they have a right to differ in the interests of the public service, and I am not ashamed to say that they have differed in many matters. If you look at the selection committees which have been appointed in many instances, you will find there men of indisputable repute who are selected as members of the selection committees. Sir, I do not want to say more. Here is a report before the House. The report was reconsidered, as I have said before, by the Public Service Commission. The revised report is before the House. The reasons for deviating from the decisions of the Public Service Commission are given. The members may like it or may not like it. We have only to place before the House this decision.

As regards the Public Service Commission rules this is also one of the things which is enjoined in the Constitution. We are considering these rules. As soon as they are ready, we shall place them before the House as enjoined by the Constitution and then discussion may take place.

With these words, Sir, I say there is nothing in our transactions regarding the Public Service Commission about which we need be ashamed of. I do not want to go into the personalities. It is not right; it is not correct; it is disrespectful to others to go into the personalities, but I do say that we have done nothing about which we shall be ashamed of. We have done everything necessary in the interests of public service.

**Mr. SPEAKER:** The discussion on the Public Service Commission report ends. The vote which was to take place in connection with the election of the members to the Secondary Education Board tomorrow will be held on the 18th April between 11 a.m. and 1 p.m. in view of the declaration of holiday by Government on the 13th April. The business remaining from the 12th that is the Calcutta University Bill will be carried over to 17th April when that Bill will be considered. We have received fresh amendments to the Calcutta University Bill and there are also a large number of amendments. If any other amendments have to be given, they should be given immediately, so that they may be printed.

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** May I suggest in this case "at any rate do not take any amendments on the floor of the House". There is plenty of time—four days' time to send in amendments.

**Mr. SPEAKER:** I am not referring to our amendments or their amendments. All the amendments should be given before a particular time. So far as amendments are concerned I fix 16th as the last day for receiving all amendments—either by Government or by the Opposition except in exceptional cases.

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** 3 o'clock on the 16th.

**Mr. SPEAKER:** I fix 2 p.m. Up to 2 p.m. on the 16th all amendments should reach the Secretary's office, so that they may be printed and circulated in time.

**Adjournment.**

The House was then adjourned at 8-7 p.m. till 3.30 p.m. on Tuesday, the 17th April, 1951, at the Assembly House, Calcutta.

**Proceedings of the West Bengal Legislative Assembly assembled  
under the provisions of the Constitution of India**

THE ASSEMBLY met in the Assembly House, Calcutta, on Tuesday, the 17th April, 1951, at 3-30 p.m.

**Present:**

Mr. Speaker (the Hon'ble ISWAR DAS JALAN) in the Chair, 11 Hon'ble Ministers and 53 members.

**STARRED QUESTIONS**

(to which oral answers were given)

**Scheme for catching fish in coastal and estuarine areas**

\*61. **8J. BIMAL COMAR CHOSE:** (a) Will the Hon'ble Minister in charge of the Fisheries Department be pleased to state—

- (i) whether Government had any scheme for catching fish in Contai and Sunderban coastal areas; and
- (ii) if so, whether any fish had been caught under the scheme?
- (b) If the answer to (a)(i) is in the affirmative, will the Hon'ble Minister be pleased to state—
  - (i) the total quantity of fish caught under the said scheme;
  - (ii) the manner in which the fish was distributed or sold;
  - (iii) if sold, the price per maund at which the fish was sold;
  - (iv) the cost per maund of catching the fish;
  - (v) total cost incurred by Government in connection with this scheme; and
  - (vi) the amount of profit or loss made by Government on account of the scheme?

**MINISTER in charge of the FISHERIES DEPARTMENT (the Hon'ble Hem Chandra Naskar):** (a) (i) Government had a scheme for exploring the possibilities of exploitation of the coastal and estuarine areas.

(ii) Yes.

(b)(i) 742 maunds.

(ii) Of the total catches, 456 maunds were sold in the Calcutta wholesale market by open auction under supervision of Directorate Officers. About 90 maunds of inedible catches were transferred to Contai Departmental Curing Yard for preparation of fish meal, etc. The balance was sold in retail at the local markets in Contai under the supervision of Directorate Officers.

(iii) Fish sold in Calcutta fetched prices varying from Rs.36 to Rs.64 per maund while prices of those sold in Contai markets varied from Rs.13 to Rs.49 per maund according to the variety, size and quality.

**8J. JYOTI BASU:** On a question of privilege, Sir. This question paper has not been distributed to us today. It is a held-over question, it seems, but we don't possess the papers. Suddenly some Minister comes and starts answering the question and it becomes rather difficult for us to follow what question is going on.

**Mr. SPEAKER:** Held-over questions are not re-|regulated. If you so desire I can supply you with a copy.

**The Hon'ble HEM CHANDRA NASKAR:** (iv) and (v) It is not possible to calculate the cost of catch per maund. The scheme was designed to explore the possibilities of catching fish in the coastal and estuarine areas, as sufficient data were not available regarding the best fishing grounds, types of nets and gear most suited for operation in different places and at different times and so on. The scheme was accordingly an exploratory rather than a commercial one.\* A large area both along the coasts of Contai and in certain parts of Sunderbans was explored for locating the best fishing grounds and several types of boats and nets were tried for fishing. The fish that was caught contributed only incidentally receipts amounting in all to Rs.23,600 exclusive of the price of inedible varieties used by the Technological Branch of the Directorate.

On the expenditure side, about Rs.42,000 were spent on capital goods like boats, nets and other materials intended to be used for successive years; the entire cost of maintenance of the launches of the Directorate for the whole year (as against about four months for which the scheme was operated) amounting to about Rs.47,350 was also debited to this scheme. Of the balance of Rs.65,100 spent on the scheme, about Rs.11,400 was spent on minor equipments, temporary sheds on shore and non-consumable stores; about Rs.10,000 was spent on consumable stores like ice, salt, fuel, etc., and in incidental labour and transport charges; about Rs.27,200 was spent on establishment and the remaining Rs.16,300 was paid as price of the catchers' share of the fish procured from them. As the supplies and services mentioned covered both the exploratory and catching part of the work, it is not possible to allocate the expenses for the catching part of the operations to enable cost to be calculated per maund of catch.

(vi) Does not arise in the circumstances stated\* above.

#### Fishery Office, Bankura

\*83. **SJ. KANAI LAL DE:** Will the Hon'ble Minister in charge of the Fisheries Department be pleased to state—

- (ক) বাঁকুড়া জেলায় Fishery Departmentএ কতজন কর্মচারী আছেন এবং এই বিভাগের জন্য বাৎসরিক কত টাকা capital ও recurring খরচ হয়;
- (খ) মীন অধিকার হইতে ঐ জেলায় গত ১৯৪৯ ও ১৯৫০ সালে মৎস্যবৃদ্ধির জন্য কি প্রচেষ্টা করা হইয়াছে এবং উহার ফলাফল কিরূপ;
- (গ) সরকার হইতে পুস্কর আবাদ হইলে আবাদী পুস্কর বা বাঁধের সংখ্যা কত; এবং
- (ঘ) সরকার হইতে যদি মৎস্যের পোনা তৈয়ার করিয়া বিক্রয় করা হইয়া থাকে, তাহা হইলে বিক্রীত পোনার সংখ্যা কত ও কি দরে বিক্রয় করা হইয়াছে?

**The Hon'ble HEM CHANDRA NASKAR:** (ক) দশজন। এই বিভাগের অর্থ বাৎসরিক ব্যয় প্রায় ১০,২০০ টাকা। Capital খরচ কিছুই নাই।

(খ) অধিক মৎস্য উৎপাদনের জন্য এই জেলায় তিনটি পরিকল্পনা ১৯৪৯-৫০ ও ১৯৫০-৫১ সালে চালু করা হইয়াছে। তন্মধ্যে প্রথম পরিকল্পনায় উক্ত দুই বৎসরে ৫২২,৬৫৪ পোনা উৎপাদন করিয়া মৎস্যচাষিগণের নিকট উৎপাদন খরচে বিক্রয় করা হইয়াছে। দ্বিতীয় পরিকল্পনায় মৎস্য চাবের উপযোগী ১,২৪৭ বিঘা জলাশয়ে মৎস্য চাব করার জন্য ৪৫,০৫৮ টাকা

স্ব দেওয়া হইয়াছে। :স্থায়ী, পরিকল্পনার শুক ও মজা পুস্তকগুলি পুনরুদ্ধার করিয়া মন্ত্র চাব করার জন্য ৫,২৫০ টাকা ঋণ দেওয়া হইয়াছে। ইহাতে মোট ৭৪ বিঘা জলাশয়ে উন্নততর উপারে মন্ত্র চাব করা হইতেছে।

(গ) ৭১৭।

(ঘ) গড়ে প্রতি হাজার ৬ টাকা দবে ৫২২,৬৫৪ পোনা বিক্রয় করা হইয়াছে।

### Report of the Calcutta University Enquiry Committee

\*85. **SJ. KANAI LAL DE :** শিক্ষাবিভাগের ভারপ্রাপ্ত মহীমহোদয় অধ্যাপকপুৰুষক জানাইবেন কি—

(ক) কলিকাতা বিশ্ববিদ্যালয়ের অধ্যাপক সমিতির রিপোর্ট প্রস্তুত হইয়াছে কি না;

(খ) হইয়া থাকিলে, উহা এখন প্রকাশ করা হইতেছে না কেন? এবং উহা কখন প্রকাশ করা হইবে; এবং

(গ) উহা সত্তর প্রকাশ করিবার ও অধ্যাপক সমিতির নিদেশমত ব্যবস্থা অবলম্বন করিবার জন্য কাছাকাড়ী উপায় অবলম্বন করা হইবে কি না?

**MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Rai Harendra Nath Chaudhuri):** (ক), (খ) ও (গ) প্রশ্নকর্তা কোন অধ্যাপক সমিতি লক্ষ্য করিয়া প্রশ্ন করিয়াছেন তাহা ঠিক বুঝা গেল না। গভর্ণমেন্ট কোন অধ্যাপক সমিতি নিযুক্ত করেন নাই। অতএব-উদ্দেশিত প্রশ্নাবলীর কোন উত্তর দেওয়া সম্ভব নহে।

**SJ. KANAI LAL DE :** Sir B. L. Mitter চেয়ারম্যান হয়ে যে enquiry committee হয়েছিল, আমি সেই কমিটির কথা বলছি।

**The Hon'ble Rai HARENDRA NATH CHAUDHURI :** প্রশ্নোত্তরে তো বলাই হয়েছে যে গভর্ণমেন্ট কোন অধ্যাপক সমিতি নিযুক্ত করেন নাই। অতএব এই উদ্দেশিত প্রশ্নের কোন উত্তর দেওয়া সম্ভব নয়।

**SJ. KANAI LAL DE :** Chancellor কর্তৃক নিযুক্ত Sir B. L. Mitterকে Chairman করে যে enquiry কমিটি করা হয়েছিল, সেই কমিটির কোন রিপোর্ট গভর্ণমেন্ট পেয়েছেন কিনা?

**The Hon'ble Rai HARENDRA NATH CHAUDHURI :** না।

**SJ. KANAI LAL DE :** ঐ রিপোর্ট গভর্ণমেন্ট দেখেছেন কিনা?

**The Hon'ble Rai HARENDRA NATH CHAUDHURI :** না।

**SJ. KANAI LAL DE :** আপনারা কি কিছুই জানেন না?

**Mr. SPEAKER :** Order, order.

**SJ. KANAI LAL DE :** শিক্ষা বিভাগের মহীমহোদয় বলবেন কি Chancellor কর্তৃক নিযুক্ত অধ্যাপক সমিতির চেয়ারম্যান স্যার Sir B. L. Mitter যে রিপোর্ট দাখিল করেছেন, সেই রিপোর্ট Education Department দেখেছেন কিনা?

**The Hon'ble Rai HARENDRA NATH CHAUDHURI :** Education Department কোন রিপোর্ট প্রেরিত হয় নাই।

**SJ. KANAI LAL DE :** ঐ বিষয়ে কখনো যদি কিছু জেনে থাকেন, সেটা জানাবেন কি?



**The Hon'ble Rai HARENDRA NATH CHAUDHURI :** ব্যক্তিগতভাবে আমিও বা জানি, প্রশংসাত্মক তাই জানেন।

**SJ. KANAI LAL DE :** এটা ব্যক্তিগত প্রশংসা হচ্ছে না, তিনি সরকারীভাবে কিছু জানেন কিনা?

**The Hon'ble Rai HARENDRA NATH CHAUDHURI :** না।

**SJ. JYOTI BASU :** In the Explanatory Memorandum of the budget Rs. 12,000 has been shown in the revised 1950-51 budget. Will the Hon'ble Minister be pleased to state what University Enquiry Committee it refers to?

**The Hon'ble Rai HARENDRA NATH CHAUDHURI :** That refers probably to the Committee to which a reference has been made by S.J. Kanai Lal De.

**SJ. JYOTI BASU :** Since Rs. 12,000 has been allotted, how is it that Government is not at all aware of the Enquiry Committee to which it refers?

**The Hon'ble Rai HARENDRA NATH CHAUDHURI :** Allotments are made in pursuance of the requisitions made by the University.

**SJ. JYOTI BASU :** In view of the fact that this allotment has been made, has the Hon'ble the Education Minister not seen this report at all?

**The Hon'ble Rai HARENDRA NATH CHAUDHURI :** Not as a member of the Government.

**SJ. JYOTI BASU :** As a private individual has he seen the report?

**The Hon'ble Rai HARENDRA NATH CHAUDHURI :** Just as you have seen.

**SJ. JYOTI BASU :** I have not seen it. Sir, my question was whether the Hon'ble Education Minister has, as a private person,—

**MR. SPEAKER :** I cannot allow that question.

### GOVERNMENT BILL.

**The Calcutta University Bill, 1951, as reported by the Select Committee.**

**(The Hon'ble Rai HARENDRA NATH CHAUDHURI :** (Sir, I beg to move that the Calcutta University Bill, 1951, as reported by the Select Committee, be taken into consideration.)

**DR. P. C. GHOSH :** Mr. Speaker, Sir, the Bill that has come before us is an improvement on the present. That is an undeniable fact. But at the same time it is clear that no revolutionary change is envisaged in it. The Calcutta University, as I said once in this House, is producing unmarketable commodities. Even in spite of this Constitution, the Calcutta University may continue to produce unmarketable commodities. So, Sir, I thought that a revolutionary change would be introduced. But as a member of the Select Committee I may say that the Select Committee has no right to make any revolutionary change; it can only make changes within the four corners of the main principles involved in the Bill. So we had no right to do that. But I do think that in future even such a Bill would be necessary. If Bengali is introduced as medium of instruction in the University, that is from the lowest to the highest standard up to M.A. and M.Sc., that would be a revolutionary change. But I do not know whether a Bill would be introduced in the near future in that direction or it will

be left to the University itself—the present Senate or Syndicate—to do so, or a future Senate or Syndicate that may be coming, to do it. A large number of students who are passing the examinations are going to the University without knowing what they would do, and when they pass the examinations they only increase the number of unemployed; and therefore they help to create a confusion. Sir, the University education should be so regulated that the needs of the country may be fulfilled so that not a single man may be a surplus and everybody may have the desired service. And that's how education should be integrated. Not merely that. If you take the University simply as a piecemeal thing, it will not do. Beginning from primary education all stages of education—secondary and university—should be an integrated whole, otherwise if one structure is bad the whole structure will collapse.

Sir, in education there are two things—the extensive and the intensive. Everybody should have some sort of compulsory education up to a certain stage; that is what is called extensive; and intensive in the sense that the education should be such that we may have great men in our country. Unfortunately when compared to other countries, say in the field of medicine—we have medical men in our country no doubt—but we have no medical men like Behring, Ehrlich, Fleming and Warburg.

Sir, our education should be such that we may have such geniuses in our country. But if even in the field of intensive education we had an institute like the Kaiser Wilhelm Institute in this province or in this country we would have thought that a definite step had been taken towards the improvement of education.

Sir, in this Bill there are certain features. It was the genius of late Sir Ashutosh Mukherjee who introduced the Post-Graduate system of education in this province and it was a move in the right direction. It rendered a great service in spite of its many defects. The Calcutta University has its defects, but in spite of that the Post-Graduate Department has been a move in the right direction. That does not mean that every Professor of the Post-Graduate Department has been doing good work. There are many who are doing good work but there are many who are not. But there is a fear that by this Bill the Post-Graduate Department will be stifled by the creation of the constituent colleges. Sir, the Select Committee proceedings are confidential, but we are of the opinion that nothing like that was meant and it is far from the intention of the Government to stifle the Post-Graduate Department in any way. But, Sir, recently in one year 90 students passed B.Sc. with Honours in Chemistry. The Presidency College and the University College of Science together could not accommodate these 90 students. These students who passed with Honours, even very many of them could not join the M.Sc. class. Sir, I think some arrangement must be made for them. If Colleges like the St. Xaviers or the Scottish Church can accommodate these Chemistry students, there should not be any bar to that. That is what is meant by the constituent colleges. It does not mean that any college and every college will be made a constituent college. It is up to the University to make a college constituent or not. They will see to the necessity—they will not simply make it constituent in order to get a vote, in order to get membership in the Senate or wherever it is. That is how it will be done.

Sir, another fear is that some Post-Graduate Departments may be abolished because in some departments there are not sufficient students—even in some departments, I hear, there is not a single student. (Sj. J. C. GUPTA: One student in Pali.) Yes, one student in Pali—and so that department may be abolished. At one time—some years before—I was

also of that opinion, but later on I realised that even if there be not one student in the Pali Department, it should not be abolished. Why? When I found in books that the death-date of Buddha was determined finally by the researches of a German Pali scholar Professor Geiger—and not by an Indian—I simply hanged down my head in shame. I do think that the Pali Department is essential in Bengal, specially when with Pali the history of Bengal is so much connected. Any one who wants to write the history of Bengal must have some knowledge of Pali and also of Nepalese and Tibetan. One may apparently say “There is no student—what is to be done?” I see that to read the history of Indian Literature, one has to read books by Winternitz who was Professor of Oriental Studies in the German University of Prague. How many students were there in Prague? When Max Muller was the Professor of Oxford in Oriental Languages, for some years there was not one student in Oriental Languages. But some may say, we have not got enough money, we are not as rich as Germany or England—only sons of rich men can spend their money so recklessly in studying Assyriology or Egyptiology. But we should be able to spend money as far as Indian History is concerned or Indian subjects are concerned, otherwise we shall not be able to go towards progress in our country. Therefore, Sir, no department should be abolished thoughtlessly and sometimes apparently when we think that a particular department is not doing good, even then that department should not lightly be abolished. So, these are the two fears in the minds of the University—the representatives of the University—as I could understand in their talks with us. I think Government never thinks that such things would be done.

(Then, Sir, the question of autonomy of the University has come up. I do say, Sir, that there is no such thing as absolute autonomy. It should be our principle to give the maximum autonomy to the University, subject, of course, to checks against misuse. That is all that is contemplated in this Bill, and if more is contemplated, at least I am not one of those who will support it. I do hope that when the new Senate and Syndicate come into existence, they will work in such a way that no check is necessary. Clause 7 of the Bill says “The State shall have the right”—that does not mean that because the State has the right, it will continue to use it always. That is a wrong thing. A policeman or a soldier has the gun. That does not mean that the policeman or the soldier will shoot all the time. He is a mad man who shoots all the time. Therefore, the State should use its power also with restraint. If the State does not use its power with restraint, then the popular vote will be there to curb the State.) Sir, even the Provincial Government is not fully autonomous. The Central Government or the President is there and if the President does something wrong, then there is provision for impeachment or something else of the President. So, if the Government goes wrong, the popular vote is there and even if the popular vote sometimes cannot correct and amend it, there is the way of revolution. Some may shudder at the thought of revolution, but I do say that it is a well-known and accepted principle of political philosophy that successful revolution is relocation of Government and unsuccessful revolution is rebellion and is therefore a crime. If revolution is successful, then it is all right as in many countries Government has been changed and the new Government is the recognised Government. For example, in China yesterday we were in close collaboration with Field-Marshal Chiang-Kai-Shek, but today India has recognised Mao Tse Tung's Government. That is but essential and necessary. Therefore, I do say that Government will utilise its power also in that way. But I cannot but say one thing that there is a totalitarian tendency in democracies today. In every aspect Government is trying to control. Today Government is controlling what food we shall take, what cloth we shall

put on. In every aspect of our life, Government is trying to control. So, there is a tendency in democracy also towards totalitarianism and that tendency should be curbed.) I do not know, Sir, whether we shall be presented with a thesis on benevolent dictatorship as we were presented with a thesis on benevolent capitalism. I have yet to see a capitalist who does not consider himself benevolent and I have yet to see a dictator who is not a megalomaniac and does not consider himself benevolent. So, let us not think of benevolent dictatorship. We want democracy in this country, but democracy does not mean mobocracy at the same time—one but democracy does not mean mobocracy at the same time—one must realise that. So, we must avoid this tendency towards dictatorship. Already in the world democratic countries have at least got oligarchical system of Government. (The Hon'ble NIMARENDU DUTT-MAZUMDAR : *এইটুকি বিলটির clause-এর মধ্যে আছে নাকি ?* My friend the Hon'ble Judicial Minister who ever taken delight in becoming ever injudicious asks this question whether it is in the Bill or not. I think there is the Speaker there to curb me if I say something wrong or irrelevant. I hope the Judicial Minister would better be judicious not to interrupt me.

(Sir, I was referring to this because in the Bill there are certain provisions which smack of this—probably the Government want to control the University under cover of this or that clause. I do say, Sir, that if I had felt that Government really wanted to do that by this clause 7, I would never have been a signatory to that in the Select Committee. Only in one clause—I feel there is an attempt about consultation with the Minister for appointment of the Vice-Chancellor—I have differed and I have submitted a note of dissent. In the report it is mentioned that it is not derogatory to the autonomy of the University. But it is not a question like that whether it is derogatory or not derogatory. I do say, Sir, why should Government try to control every aspect. Let the Government control the policy, let the Government control financial matters, let the Government check certain misuses, but why should they have some hand in the appointment of the Vice-Chancellor? That is not necessary. It is not a question of being derogatory or not derogatory. I do say, Sir, that nothing is derogatory; if the popular Government wants to say something, nobody can say that it is derogatory, but the question is whether it is necessary or not necessary. The educational field should be as free as possible and as autonomous as possible. But where it is absolutely necessary, interference must be there, otherwise not. This should be the principle. That is why I have differed from the rest of the members and I along with Mr. J. C. Gupta have given this note of dissent about this.)

Then, Sir, about the grants, it is good that in this Bill there is a statutory provision for Rs. 16 lakhs for the University. We are today giving them about Rs. 15.25 lakhs. (The Hon'ble Dr. BIDHAN CHANDRA ROY : That is only for two years.) For the last two years we have been giving them Rs. 15.25 lakhs. From the speeches of the Vice-Chancellor we understand that the University is suffering from chronic deficit and there was a committee to go into the finances of the University and to recommend grants or something like that. I do not know what has happened about the report—at least I have not seen the report of the committee which was set up by the Government. So, Sir, we do not know what is the necessity of the University. And as for colleges although I gave an amendment, I know that Governor's sanction ought to have been taken in order that it may be in order. Any financial grant, any resolution, any proposed amendment in financial matters requires the sanction of the Governor. Here the Governor means the Education Minister. I know the Education Minister has objected to it. So the Governor will not give sanction. Therefore it is no good moving the Governor. But I do hope and I do believe that

grants to the colleges are absolutely essential. The way in which the grant is being given now—I think 2·6 lakhs are being given now to all the colleges—has resulted in this that the colleges are living from hand to mouth. Some colleges come to the Education Minister and say “we are collapsing; our building is half-complete. So, Sir, give us some money”. The Education Minister also somehow or other gives them something. That is the condition of grant, and under the circumstances no planned development is possible. Therefore, I propose—whether the amendment is out of order or in order doesn’t matter—and I appeal to Government to see that the colleges get the required amount of grants; otherwise if you want to improve the conditions of the colleges, it is not simply possible. Merely saying that the professors must sacrifice won’t do. No sacrifice is possible if the teachers cannot get the minimum amount of food, clothing and minimum of such other things. The teachers should get these things; otherwise the appeal to sacrifice will not bear any fruit. Therefore, the colleges should be given proper grants—not merely grants but equipments also. Most of our scientific laboratories in the private colleges are very ill-equipped. Even I do feel that the Presidency College laboratory is ill-equipped for many purposes, although it is fairly well-equipped. Last year about 14 or 15 months before when Professor Robinson came to Calcutta I was discussing with him about the comparative equipments of his Oxford laboratory and the Kaiser Wilhelm Institute in Berlin, and I was told that the Kaiser Wilhelm Institute was much better equipped. “Even much better”, he said, “does not carry the impression that I want to convey to you”. That is why they have eminent chemists like a Wieland, a Windaus, a Butenandt or a Kuhn. In England even they have not got that. If we want to have that, our laboratories must be properly equipped; otherwise, it will not be of any good. Therefore, there must be grants and even if Government have no money, I should say that the industrialists who are making money—they should be asked to contribute something for the scientific laboratories. They may or may not voluntarily contribute—some may and some may not. If they do not, they must be compelled to pay for the development of science, because with it the welfare of the country is inter-connected. (Sj. HARIPADA CHATTERJEE: How to compel?) By legislation. It can be done by legislation. (Shaikh Mohamad Rafique: By extortion.) My friend Mr. Rafique always thinks in terms of “extortion”. I will always tell him this: I do not know who is a greater criminal—a man who has accumulated two crores of rupees and is making others occupationless or a man who steals because he cannot give sufficient food to his son and daughter. The man who steals for maintaining his son and daughter is less criminal than the man who has accumulated two crores and has made many unemployed.

I do say that it is no good bringing in the question about expropriation of this or that. Expropriation of money wrongfully gained is not expropriation, I should say. Anybody, a robber coming into my house and taking possession of it by robbery, after 20 years he may say “I am in rightful possession of the House”. He forgets that he got it by robbery. Therefore I do say that those people who have accumulated money, most of them have accumulated in a very wrong way. Therefore don’t talk of expropriation or misappropriation.

I do feel, Sir, that these non-Government affiliated colleges require improvement and if they are improved, then only the Government can say “this type of teachers should be there”. In many of these colleges as soon as anybody passes the M. A. Examination, he gets the title of a professor. It is an undreamt of thing in any other country. Here anybody becomes a professor in a college. If you want to improve that condition,

you can do it only. If you give the barest minimum for their maintenance. If you do not give them the barest minimum for their maintenance, you cannot do it. I have seen that in the University College of Science D.Sc.'s of three years' experience or four years' experience get only Rs. 150 per month. If you ask them to maintain themselves and their families on Rs. 150 and at the same time you talk of sacrifice, that won't do. I do say humbly that won't do. Therefore, you must improve this condition. Give them financial grants; otherwise you will not be able to improve these non-Government private colleges and there are a large number of students in these non-Government private colleges.

We are talking of decentralisation. There are so many students in one college. I know in the City College probably there are 7,000 students, more than the Cambridge University has. And therefore, if anybody says "City College is better than the Cambridge University, probably he is fit to be put into a lunatic asylum. Therefore it is not by the number but also by the quality that we should judge a thing. Therefore, we should concentrate on that. Another thing is that anybody and everybody passing the Matriculation Examination even in the third division wants to get entry into the Science class. I do say that it is waste of national money; it is waste of public money it is waste of his father's money. But they want to have it. This can be improved only if the school education can be improved, if the teachers get sufficient salary and if the students also get sufficient tuition. I examined many schools. I went to many schools both as a Minister and also when outside the Ministry. I saw even in Calcutta that the science class in many schools is an apology for science class—excuse my saying so. If science teaching is done in that way in the schools, then I think the students cannot get much training. Therefore, the whole thing requires overhauling. This Bill, of course, does not contemplate that. And I do feel that in the near future if the University does not take steps in that direction, the Government will have to do it one day or the other and the sooner it is done the better. Just after the Franco-German War of 1871 Bismarck introduced a new system of education. I remember the memorable words that he used at that time. He said "young mind is like a clean sheet of paper; write anything on it you like". Then after 41 years professor Emil Fischer while lecturing before the German Chemical Society said "you see in Germany we have introduced a remarkable system of education, so that within the last 13 years we have got nobel prize for ten years in Chemistry alone, we have got nobel prize for four years in Physics and we have got nobel prize for four years in medicine." He told us with pride "no other country in the world has got it". So that should be the aim of our education, so that we may get recognition in the international field and throughout the world. That should be the aim of our education. This Bill, of course, does not provide all these things. Let us hope that the Government would introduce some day a Bill which will ensure many other things—about policy, medium of education and other things.

Sir, formerly the Senate was more or less nominated, probably 85 or 90 per cent. were nominated. (The Hon'ble Dr. BIDHAN CHANDRA ROY: 80 per cent.) Now, according to this Bill the teachers will have the absolute majority in the Senate—out of 152 persons, 86 will be teachers. Sir, people used to say that in the educational field there should not be mobocracy but I do say that there should be some election. In this way 25 registered graduates will come. Some are of the opinion that this number is too much. When some of us wanted to get 30 persons elected there was opposition on the ground that in the University education there should not be so much of election. But, Sir, election by whom, election by registered graduates and

not by mobs. If you think the registered graduates are mobs then the teachers are greater mobs as they create them. Sir, there is a proposal to increase the number of registered graduates to 50. Of course my inclination is towards that—to have some more registered graduates, because new blood will be introduced and this new blood may sometimes think in a different way and in a revolutionary way and may sometimes act in a foolish way. But even if they act foolishly we should sympathise with their foolishness and that is how we shall be able to develop our country. If our young men or majority of them remain foolish then with all our wisdom people will say that the old people are fools and we shall continue to say that the young people are inexperienced but this will not help us. Therefore I say that there ought to be more provision in this respect. I was for it always—greater number of elected persons with the majority of teachers. In the Academic Council of course we have majority of teachers but in the Syndicate we have not got it. But this has been purposely done, I say so, because in the Syndicate—an administrative body, I do feel without meaning any disrespect to the teachers, teachers should not be in a majority. It is an administrative body and there is a provision for maximum of 11 teachers, and this should be sufficient, out of a total of 21 or 23 members, because there are 6 Faculties and in the Faculties non-teachers may be there. In the Faculty of Medicine one who is not a teacher of Medicine may be there. In the Faculty of Law a Judge who is not a teacher can also be elected. All Deans need not be teachers. Therefore the maximum number is 11. There will be 8 seats in the Senate for them but the non-teachers will have to be elected by the teachers and some are feeling that at least there should be some elected teachers there. But I do hope that some provision may be made in this direction. Although in the Select Committee we did not think about it but on a later thought I do feel that some teachers also should be elected by the Senate out of these 8 seats without making any material change.

Then about the single transferable vote, Sir....In the original Bill it was provided that there should be election by single transferable vote, but here in this Bill I do not know how this sentence has been dropped. I think this provision of single transferable vote is a healthy provision. I remember at least that there was no decision against it in the Select Committee. I do not know whether it is Government's mistake or my mistake that this thing has been dropped. During so many sittings of the Select Committee I do not think we took any decision against this single transferable vote. (The Hon'ble Rai HARENDRA NATH CHAUDHURI: Neither did we take any decision that it should be there.) Then in the absence of any decision the original proposal in the Bill should be there. At least that is what I understand is always the case. I think this is a reasonable provision and it ought to be there. I think election should be by single transferable vote, otherwise there will be difficulty. Of course there are some difficulties about the counting of single transferable vote but who are the voters—either a graduate or a professor or the principals are the voters. Even when in the Congress election with ordinary people we can run it on a single transferable vote, then can we not do it in the case of professors and graduates? If that is not possible then I think there is something wrong with the University altogether. So, I say this single transferable vote should be maintained.

With these words, Sir, I resume my seat.

**Janab ABUL HASHEM:** Mr. Speaker, Sir, I congratulate the Ministry for introducing this Bill though much belated. My congratulations are however not without some reservation. In the united Bengal when the Congress Party was in the Opposition the then Government introduced in this Assembly a Bill for the improvement of the secondary education in

Bengal. The Congress Party sitting in the Opposition persistently opposed the Bill with the backing of a section of our press. The main charge of the Congress Party against the Bill was that there had been a tendency to give Government unnecessary dictatorial powers. This Bill, as Dr. Ghosh has already said, has to a very large extent improved the present condition of University administration. After what has been revealed by the Enquiry Committee it is quite clear that Government is perfectly justified in bringing a Bill for proper and better control of the affairs of the Calcutta University. I agree with Dr. Ghosh when he says that the Bill does not make any revolutionary change either in the administration of the University or in the character of the University education as we have it here. (Here we find again a tendency of the Government to have unnecessary dictatorial control over the administration of the University.) As far as the character of education is concerned it is needless to remind you that the original purpose of our erstwhile masters in creating educational institutions in Bengal was to create men for running their own Imperial administration in this country. So the system of education was made to suit their own purpose. After the achievement of independence it was very much expected that our education also will henceforward be such as may produce real men who could create a new nation proud of their own achievements. But, Sir, it is very unfortunate that we have nothing but to be disappointed in this respect. Dr. Ghosh has very elaborately dealt with the kind of education that our University gives us and he has expressed disappointment at Government's indifference to its real improvement. Improving the system of education to suit our own present purposes requires money. Dr. Ghosh has suggested that if Government find themselves unable to provide funds for that they must go to big industrialists and merchants for help. He thinks that some of them will make voluntary contributions and some of them will not. Those who will not make voluntary contributions—he suggests that a Bill should be introduced to compel them to make contributions. Here I agree with Dr. Ghosh when he says that money is necessary for providing real education to our youths, but I do not agree with him exactly when he suggests this queer way of procuring funds. In my opinion Government can only do justice to our education fulfilling the hopes of the people only when they genuinely feel for revolutionising not merely the educational system but the entire structure of our social order. The funds necessary for all-round improvement of our people can come only when Government decides upon a policy of nationalisation of industries—key industries, big industries, lands, etc. Otherwise, if economic control of the country be left in the hands of a few individuals, in that case approaching those individuals with a beggar's bowl would neither be honourable either for the Government nor for the people. Sixteen lakhs of rupees, I understand, Government proposes as a statutory grant to the University. I agree with Dr. Ghosh when he thinks that this money will not much improve matters, particularly when a big slice of the income of the University has been taken out by handing over the responsibility of our Matriculation Examination to the Secondary Education Board.

**The Hon'ble BIMAL CHANDRA SINHA:** That is compensated, however, by the other Act.

**Janab ABUL HASHEM:** I am sorry. That's all right. I am not properly informed about that.

Any way, if that fund goes to the University, even then for converting this University into a really teaching University a large sum of money will be needed and in the present Bill there is no indication that, as and when the University will need, money will be forthcoming. As we have a



University now, although the University maintains the Post-Graduate classes still, it will be true to say that our University is more an examining body than a teaching body. We have not yet any residential University of our own in West Bengal. That apart, on one occasion I regretted in this House that Government in order to revolutionise our system of education has taken no step to create any institution, bureau or academy for translating the knowledge of the world into Bengali. I distinctly remember on that occasion the present Hon'ble Education Minister by way of criticism remarked: the world is too big for us. I think Dr. Ghosh has given expression to the actual opinion of the intelligentsia when he demanded that the medium of our education should be Bengali. At the present moment every one knows that for some time more we must continue English as the medium of education, but, Sir, if there is anywhere in our head any idea of making Bengali the medium of our education in some near or distant future, steps must be taken for that from now. The world may be very big and wide, but still if we really propose to make Bengali the medium of our education, in that case all knowledge of the world will have to be translated into Bengali. That also will require huge funds. I do not know if Government has introduced this Bill as a makeshift arrangement and proposes to bring in the near future before the Assembly any comprehensive Bill for real improvement of our education. At least that is not known to me, but I hope that this Bill is a prelude to that. So far as the administration of the University is concerned, there I find that the Vice-Chancellor will be appointed by the Chancellor in consultation with the Education Minister out of a panel to be submitted by the Syndicate. The Governor of our State presides over the University affairs as its Chancellor. In that capacity it was very much expected that in the new order the Chancellor would be concerned mainly and, I should say, only, in University matters, with the Syndicate which would function as a Council of advisers in University matters.

(But, Sir, I do not understand why of all persons the Education Minister comes into the picture. At present the constitution of the Senate is not democratic as we have just heard Dr. Ghosh say 80 per cent. of the members of the Senate are nominated by the Chancellor on the recommendation of the Vice-Chancellor. Now, Sir, the constitution of the Senate as proposed in this Bill is going to be more democratic; practically that is going to be an elected body and the electorate will also be the teachers and registered graduates, etc., I mean the intelligentsia of our country. In that case the University in future, even as provided in this Bill, is going to cease to be one-man show and is going to be more broad-based. In that case there will be less chance of mismanagement. Two things for the administration of the University are necessary—honesty and efficiency. Sir, I have every hope that the Senate henceforth being an elected body will grow honest and efficient and the Syndicate also will be honest and efficient. In that case the responsibility for appointment of the Vice-Chancellor who will be the practical head of the administration could have been entrusted with the Senate and the Syndicate and the Chancellor.)

Sir, I am surprised to find in the Bill a statement that since the Governor of our State is an Indian it will be undignified—or something like this—if he is not considered as a trusted person who can appoint the Vice-Chancellor. Sir, in the first place I do not know if the present Ministry so long had been suffering under colour prejudice. So far as I am concerned, a mere change in the colour of our rulers does not improve matters. It is true that our Governor now and in future, so long as the present system of administration will continue, will be an Indian, but, Sir, the system of administration is the same as it was before. (Here if the Governor as Chancellor was entrusted with this task there would have been no serious

objection because in that case, as I have said, he would have functioned as a Chancellor of the University, but, Sir, the interference of the Education Minister betrays a tendency of the Government to have unnecessary control over the affairs of the University. The University authorities were found guilty of grave charges and the country knows all about that but this does not of itself prove that the Ministry is above suspicion. So if the people have lost confidence in the present system of University administration, I am afraid they have lost also confidence in the present system of administration of our Congress Government. So giving the Education Minister a hand in the selection of their Chief Executive is not desirable. I envy my honourable friends sitting in the Treasury Benches, particularly my honourable friend Sj. Niharendu Dutt-Mazumdar, in their complacency and sense of security. Perhaps it is their belief that they would till eternity continue to rule this country, but, Sir, we all know that like everything this Government is also a passing phase. They do not perhaps realise that giving Government undue authority in the administration of the University may lead to undesirable ends.)

Sir, the University is an autonomous body and this autonomy should have been enlarged by a popular Government but instead of that we find tendency in the opposite direction. I started my criticism with my congratulations, I now conclude my observation. (The Hon'ble Niharendu Dutt-Mazumdar: With condemnation.) No, I am always prepared to give the devil his due. So I would conclude my observation with congratulations because there is no denying the fact that this Bill will improve matters and has done at least one thing, namely, will deliver the University from the hands of some individuals, individual families and coteries of individuals who have been ruling the University for so many years, and for that this Ministry is entitled to our congratulations and blessing.

I hope, Sir—it is my hope, I do not know what is the actual fact—but still I think that this Bill has been introduced as a prelude to some other comprehensive Bill for betterment of our education. Sir, I agree with Dr. Ghosh when he says that the education that we have been imparting to our youths is of no practical use to our own country. Our doctors—Dr. Roy will excuse me when I say this—our doctors are merely agents of foreign medicines; our engineers are equally agents of foreign machineries; our educationists are agents of foreign books. (The Hon'ble Dr. Bidhan Chandra Roy: Our legislators follow the House of Commons.) Yes, Sir, our legislators are also agents in popularising the customs and conventions of the House of Commons. Now, Sir, we want to create a social order in which our educationists, our litterateurs, our engineers—their talents and genius will go to improve our own condition and they will advertise our own medicines, our own machines and everything. I do not think, Sir, that any of us here feels otherwise; even the Hon'ble Education Minister who is introducing the Bill entertains the same hope but the only handicap is that we have not sufficient funds. But here again, Sir, I must say that with the ordinary prevailing sources of our income this fund will never be available. Unless Government decide upon a radical change, a revolutionary change in our financial system they cannot get funds. This is necessary for an all-out improvement of the country as an independent nation. So, Sir, I would like very much to know from the Education Minister when he rises to reply to this criticism what the Government's policy is so far as securing funds for the improvement of education is concerned. Really, Sir, we had here little or no opportunity for our youths to devote their time and energy for research. Dr. Ghosh knows better than I know. He has enlightened us on this point, but the question of all questions is money, and

unless Government tells us that they have any desire in their mind to create a revolution in our economic order no one can hope for anything, far less in education.

Another thing that I have just missed and to which before I sit down I want to draw the Government's attention is that there should be an honest and efficient administration; there should be a real change in the system of education.

The third thing that is necessary is to make education less costly, so that the advantages of our University education may be available to a common man. I do not know what Government proposes to do in this respect. Here also money is needed. I do not say that higher education should be made free, but at the same time I insist that there should be provision for making it cheaper, and the University classes should be so arranged that our youths may necessarily have education without any interference with their earning, or to be more clear the classes should be so arranged that our youths may work somewhere during the day and have University education classes during the night. Unless that is done, education will not be possible. Where there is a conflict between earning and learning, generally we abandon learning and go to earn, but if we can arrange that both earning and learning may go together like the two wheels of a chariot, in that case we shall see real improvement.

With these words, I once again congratulate this Ministry for taking this bold step to make the Senate broadbased and to free the University from coterie rule, and for this alone I think this Ministry is entitled to our blessings.

With these words, I resume my seat.

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** (Sir, I congratulate the Hon'ble Minister of Education for having brought in this Bill. The first University Act—the Act of Incorporation—is dated 1857, and an amendment to that Act was made in 1904, i.e., 47 years after. And it is a curious coincidence that in 1951, i.e., 47 years after the last amended Act was introduced we have got another Bill to change the composition and the constitution of the Senate.)

My friends here have said that there has been no revolutionary change in this Bill. If you look at the Bill, Sir, you will feel that the change is a remarkable one. To me whether it is evolutionary or revolutionary it depends entirely upon the speed with which the change takes place. I will indicate how the change has taken place. The Act of Incorporation was introduced for the purpose of securing educative assistance from the Government of those days, and the University was constituted for the purpose of conducting certain examinations and recognising certain institutions which trained boys for these examinations. In December, 1904, the same approach was made. The constitution of the Senate, the constitution of the Syndicate as well as all the provisions and regulations of the Act that is now in force had been made with a view to secure the working of a body which is more or less an affiliating body. In 1916, the members of the University themselves found that there was a great lag in the University composition in that the University was not held responsible for teaching at all. Previous to that the munificent donation of Rash Behary Ghose and Tarak Nath Palit opened the eyes of the great educationist Sir Ashutosh Mookerjee, and he conceived the idea of what is called "Post-graduate education" in Bengal or in Calcutta. Yet the composition of the Senate remained, the Post-graduate Department was merely tagged on, and there were many regulations framed for the purpose of connecting one organisation with the other. The Senate remains even now more or less an

affiliating body. The whole of education is entrusted to the Post-graduate Department. As you all know, the Calcutta University Commission came in 1916; its report was published sometime in 1918—I may be mistaken—and practically every University in India took advantage of the Calcutta University Commission report but not the Calcutta University. Various attempts have been made from time to time to alter the constitution of the Senate, but on some basis or other these Bills have foundered. I therefore say that it is a fortunate thing that Rai Harendra Nath Chaudhuri was able to put this Bill before the House after getting it passed by the Select Committee with minor alterations. Today we have got a new University, a University which is now wedded to a system where education is regarded as the main purpose; recognition and affiliation of colleges is a subsidiary purpose. You will observe that, for the first time, in the history of the University the words “constituent colleges” have come in, namely, that the colleges will work in consonance with the University. My friends here have said that no university can carry on its academic activities without a lot of money. That is perfectly correct. But then today we are not writing on a clean slate. A very large number of institutions have grown in different parts of the State due to the munificence of educationists and those people interested in education on the one hand and due to the anxiety of the students to get named on the other, and it will be foolish to break up these colleges and institutions. The question therefore was how to integrate the activities of these institutions with those of the University. As a man who has been connected with the University for nearly 35 years I admit that the University teaching classes have grown without much planning because the integration did not take place at an earlier stage between the Senate and the Post-Graduate Department. They were regarded more or less in effect as different units of the University organisation. There was for instance a large sum of money available from the students who paid their examination fees from which were paid the remuneration to the examiners as well as the cost of conducting the examinations. Whatever is left over, according to the present Act, a large portion of it is transferred over to the Post-graduate Department. But this arrangement meant that there were two organisations or two units whose interests were not identical. It is natural that the University which is the affiliating body today would feel that the money thus taken from the students should be primarily utilised for the benefit of the student community and not for the purpose of paying the teachers and the research workers in the Post-graduate Department. That is one point of view which is quite understandable. On the other hand, if we have got to do something, if we have got to take up the Post-graduate Department it was essential again that there should be some diversion of funds from the ordinary University department on to the Post-graduate Department. The new Bill conceives the idea that the University Senate has now a responsibility of teaching as well as of recognising colleges. The University Senate will act, so far as post-graduate teaching is concerned, through the Academic Council. As regards the composition of this I need not worry you, it is there, but the approach is this that now there is one body in the University whose responsibility is to see that proper teaching is given both in the under-graduate and post-graduate departments of the University and for such purposes the advice and guidance of the Academic Council would be required at every stage. Sir, it is one of the catastrophies of the educational system in this country that while the Act of Incorporation of the Calcutta University was passed in 1857 the Primary Education Act was passed only in 1930 and the Secondary Education Act was passed in 1951, i.e., this year. The whole thing shows that there has been a lopsided development of things. There has been no planning. No education in any country in the world can

succeed unless it is broadbased upon a well-devised scheme of primary education on the basis of which would be built the secondary stage and the University will come afterwards. But in our country it so happened that we started from the top without practically any bottom being there, without any foundation. It is therefore not unnatural to see the difficulties that we are faced with today, the immature condition of those who have been graduated because they are lacking in the fundamentals as they were not longer the same. The fact remains also, as Dr. Ghosh pointed out in a different way, that a very large number of students go to the University today after passing the Matriculation Examination who are not fit to be students of the University if you take the University standard as of particular value. When I appeared at the Entrance Examination in 1897 there were only 6,000 candidates. Today there were 55,000 to 60,000 candidates in the whole of the Province of Bengal before the Partition. That shows that while the population has not increased ten times perhaps a very large number of persons who would not come to the examination of the Matriculation or Entrance are now coming to the Matriculation Examination. I went to see a patient in Mymensingh in a village some years ago and I saw a servant [in the house I had been to, which is the house of a zamindar], who was dusting the floor, and I asked him this question as to how much he was getting. He mentioned some figure and added "Yes, I get some paddy also." With his hand on his head he added "It is my bad luck that I could not go to the city though I was promised by a gentleman that I would be taken there. Otherwise I might have passed the Entrance, F.A. and other examinations and I might have been a Judge of the High Court. But today I am still dusting the floor". It is a peculiar approach to the whole problem. It was felt so in those days and what was necessary in the early years of the East India company rule and afterwards was that we should produce merely persons who could read and write English and who could help the Government of those days in carrying on the administration without bringing out a very large number of people from England for such purposes. That can only be the explanation which has resulted in this particular form of disjointed educational system in this country. Now, Sir, about the money question. As having been in charge of the University finances for many years I know the difficulties of the students on the one hand who today are paying more than what they were paying previously. My friend Janab Hashem said the same thing. On the other hand, we cannot expect the teachers to work on starvation wages which again is not only a hardship on them but is a blot on the educational system as such. And yet the question is where is the Aladdin's lamp. Who is going to find the money? I remember some years ago in 1928, we in the old Council had insisted upon a statutory grant being mentioned in the Act governing the Calcutta University. It was promised but nothing happened. I am glad today that at any rate the University, tomorrow will have the assurance that they will get Rs. 16,00,000 every year and with this they should be able to frame their own schemes for, say the next five years. I do not say that this sum is enough but what I do say is that the need for development in every department of life is so great in this State that if we neglect the industrialists as Dr. Ghosh wanted to do for education, what about my medical hospitals, what about my other industrial institutions, what about the various other organisations which are also meant for the development of the country and the rich industrialists are the only persons who have to bear the burden. My difficulty is that even the rich industrialists will not be able to meet all the demands that we have to make. Education, Sir, in the western countries about which you have heard has become more and more costly. Nowhere in the world today do we find education of youths being conducted and taken up at smaller fees. It is not possible; it is not economically sound.

If Mr. Hashem will kindly give us a new scheme by which we can spend more and not tax or tax less, I shall be very grateful, because that is exactly what we are trying to find out. We are looking here and there, we are looking inside the earth and at the sky above to find out money but we find it nowhere. On the other hand, when I went to the European countries year before last I found that for every social service the people were made to pay taxes; not merely the rich industrialists but every individual in the State who has an income above a small minimum standard has to pay tax to the extent of thirteen annas to the rupee. Therefore you cannot do both ways. Either we have got to tax more and spend more so that by spending more we can raise a generation of educationists who would really be a credit to this country; or we have got to remain where we were before and try and somehow manage the educational system of this country.

Sir, I do not want to take the time of the House any further. I feel very happy that at last the foundation has been dug for the purpose of giving a new approach to our educational system. I do not say this is the last of what should there be in the University. Sir, any person will agree that a growing person would be subject to changes from day to day. If there are no changes, then the person is dead. Every vital institution should have newer and fresher problems for the Government at every stage to meet and solve.

Sir, my friend Mr. Hashem has said as if we are going to be permanent fixtures in this Government. He has made a mistake. He has forgotten that our emblem is *chakra* which means that it is always moving. চক্র  
পরিবর্ত্তে ভ্রমণি চ ভ্রমণি চ। Today one is at the top and tomorrow he goes down and another man goes up. So we have deliberately adopted the *chakra* as our emblem. We feel that in the process of development such movements must take place but whatever the movements be, let us be sincere to ourselves, honest in our efforts and approach every problem of human existence from the point of view of what is going to help the individual in every walk of life.

**SJ. JYOTI BASU:** I thought I should finish my speech today within five minutes, but unfortunately for the members of the Government after the Hon'ble the Chief Minister's speech I shall take a little more time.

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** Why did not you tell me? I would never have spoken then (laughter).

**SJ. JYOTTI BASU:** You should have waited till I spoke.

Mr. Deputy Speaker, Sir, as the speakers who were speaking before me including the Hon'ble the Chief Minister have realised and mentioned in connection with this Bill to reorganise the University and education in this province generally, the reorganisation of the colleges in West Bengal has been long overdue. But unfortunately the purpose of the present Bill is very limited, as has been mentioned by Dr. Ghosh and Janab Hashem. I should have thought that whilst the Government was contemplating to bring such a Bill and a long time has gone by for the Government to consider and bring forward a Bill before us, Government should have taken this opportunity of not only bringing forward a Bill for the reorganisation of the Calcutta University but also a measure to reorganise our education and for the reorganisation of our colleges generally. Because, unless that is done, I think the Hon'ble Education Minister will realise that only by bringing such a Bill as this for the reorganisation of the Calcutta University we cannot basically alter our colonial form of education and the system of education that prevails in our country. The Hon'ble the Chief Minister

was perfectly right when he said that ours has been a one-sided education and one-sided development. First came the question of reorganisation of University education, then came secondary education and then came primary education. The reason also is clear to us and it has also been made clear by the Hon'ble the Chief Minister that ours had been a colonial system of education meant for the purpose of helping the administration in this country, and that had been the chief purpose why such a one-sided development took place under the British administration. But unfortunately having said that neither the Hon'ble the Chief Minister nor the Education Minister has made it clear as to why after having seen through all this in our colonial system of education, Government did not see it fit at this stage after having ruled for over three and a half years now to bring forward such a comprehensive Bill which would reorganise the whole of our educational system in West Bengal. However, I do not expect that this Government is really capable of solving the basic problem of our education and this Government has given ample proofs of that. Therefore I need not go into what is not there in the Bill and what is not the purpose of the Government. I shall only confine my remarks to what is provided for in this particular Bill which is before us, and that is the reorganisation of the Calcutta University. We know that there was a time when this great University set an example all over India to other Universities. We know that there was a time when other Universities elsewhere looked up to the Calcutta University and in spite of the defects of the Calcutta University it produced scholars and students of whom we may really be proud, because even under foreign domination the Calcutta University produced scholars who could set an example to scholars in any other parts of the world. (But it is a shame for us, it is a shame for the people of Bengal that this great Calcutta University was at a certain stage turned into a preserve of certain vested and sectional interests, of certain groups of individuals who placed their own power and authority above the educational interests of this province so that the Calcutta University could no longer be the great educational institution that it had once been but they saw to it that it was one of the places where they might rule and have their own zamindari. I think, Sir, this fact is also known not only to the people of West Bengal but to the people generally in India. People who have nothing to do with education in our country turn round to us and say how is it that those people who were, perhaps, extensively educated and have been running the Calcutta University have turned it into a paradise of a coterie of certain individuals and families in West Bengal. Sir, there is no answer to this question, but as far as I am concerned I think that there was a reason for this and the thing was bound to turn out in this manner because democracy was not there to act as a check on the Calcutta University. It was made in such a way—this constitution was such—that there was no basis for electing the Senate, there was no basis for electing the Vice-Chancellor, there was no basis for seeing to it that democracy prevailed in this great Calcutta University. Therefore, when certain individuals and groups got hold of the University, when they got power in the University, they automatically, without a democratic check, turned the University into their own zamindari. The British masters did not object to what was going on inside the Calcutta University. They had no need to object because what they needed was not scholars and educationists to be produced by the Calcutta University—what they needed was a few clerks and a few administrators, I.C.S. and so on belonging to the Civil Service to run their colonial administration, to carry on their rule in India. Therefore, their conscience did not prick them when the Calcutta University was being run in this manner. On the other hand, I suppose, it was to the interest of the British Imperialists that the Calcutta University should be run in this rotten manner.

Sir, once before this occasion we have mentioned this fact, but again I mention it to emphasize the fact that the B. L. Mitter Commission's report on some pretext or other has not appeared before the public. The Senate members saw to it and, unfortunately for us, the Chancellor of the Calcutta University saw to it that this University Commission's report does not come before the people. Money has been spent for this Commission—as has just now been told to us by the Hon'ble Education Minister, about Rs. 12,000 or so—but this Commission's report is not before us. If there were certain factors in it which were not to the liking of the Chancellor or of the members of the Senate, then they should have the courage to place it before the educated public of West Bengal and, I think, they would have been the best judge as to the merits of this particular report of the Commission. What is more, it might have helped us whilst we are considering the particular Bill which is before us and yet I cannot but mention here, Sir, that the members of the Select Committee have mentioned the fact that it is derogatory to us, when an Indian is the Chancellor, to suggest that there should be an elected Chancellor. I am not going into the merits of that argument, but I ask the members of the Select Committee including Dr. Ghosh who is a signatory, as to what particular change they are seeing in the state of affairs which is prevailing today when Indians are ruling over us, when Indians, who are quite well known to us, are sitting opposite us. An Indian is also the Chancellor of the Calcutta University today, but that Chancellor unfortunately suppresses the report of the Calcutta University Enquiry Commission. Therefore, I cannot accept this argument about an Indian.

(Sir, I shall now go into certain vital aspects with which I am not in agreement, even though they have been provided for by the members of the Select Committee, and I shall mention those points very briefly. For instance, with regard to interference by the Government, as has been provided for in clause 7, it has been stated by the members of the Select Committee that such interference, if it is done in a judicious manner, may be necessary at times and because the powers are given to the Government, the Government need not always use such powers to interfere in the affairs of the Calcutta University. I had thought, Sir, that the main purpose of the Bill was to see that there was the least amount of interference by the Government in the affairs of the Calcutta University. Now, Sir, I do not understand, as this provision, clause 7, stands, as to what are specific reasons, what are the specific circumstances under which the power is given to the State Government to interfere in the affairs of the Calcutta University. I think nothing is mentioned about it. On the other hand, it is said that the State Government shall have the right to have inspection and so on. I think such powers were unnecessary. If any check was necessary, that check might have been there. Government might have been given powers under certain specific conditions and circumstances to appoint a committee or an elected committee—or even a committee of which the Chairman would have been a Judge of the Calcutta High Court. In such a committee the people generally might have some faith if it went into the affairs of the Calcutta University in times of crisis or in times when the elected people of the Senate or the Calcutta University generally misbehaved. But unfortunately the way in which powers have been given to the Governor will be, I think, dangerous if some Government exists which is not democratic as the present Government is not democratic. But I should say that even if a democratic Government comes into power, it need have no fear that the Calcutta University will be run in the same way as it is being run today after elections are provided for, after more democracy is assured in the running of the Calcutta University.)



(Secondly, with regard to the choice of the Vice-Chancellor, I think the Chancellor should have nothing to do with the appointment of the Vice-Chancellor. When we are giving full play, at least it is suggested that we are giving full play, to democracy inside the Calcutta University, I think the elected members of the Senate and the Syndicate are there who can make the final choice with regard to the Vice-Chancellor. So I am in complete disagreement with the provision as has been provided for in this particular Bill.)

Lastly, with regard to the provisions, I know the amendment which I have suggested with regard to the grants for Calcutta University and the colleges, the Governor has been pleased not to give me permission to bring that particular amendment before the House according to the Constitution but my purpose, I think, will not be doubted by anybody and I think it will be accepted by all members in this House that without sufficient grants the Calcutta University cannot be run however much we might change the administration of the Calcutta University. I know that it will be said as it has been said that at least now Rs. 16 lakhs are being granted to the Calcutta University and a statutory provision is being made to that effect. Certainly it is a change to what has been prevailing for a long time in the Calcutta University. But I do not know, because the Education Minister has not told us, the Chief Minister has not told us, as to what are the requirements not only of the Calcutta University but also of the colleges, because all these are inter-related or integrated; one cannot go without the other. We know that in certain private colleges only recently some sort of a circular has come out wherein they are called upon to decrease the pay of the Professors and Lecturers. We all know that within a short time unless some grants come from somewhere either from private individuals or from Government some colleges will have to close down, because they cannot pay the Professors and Lecturers. In this situation which is the reality which is facing us, I wonder whether the Government has calculated the amount of money that will be required, whether Government can give the amount that will be required under the present circumstances both by the Calcutta University and by different colleges. There are no figures before us. That is why I think with regard to grants this particular grant will be absolutely insufficient. Rupees 16 lakhs is nothing for a University like the Calcutta University. Even if we say that it is a change to what had been prevailing, even taking that argument, the purpose of the Bill should not be forgotten. At least that has been mentioned by the Hon'ble Chief Minister and the Education Minister. They have said that there have been remarkable changes, if not revolutionary changes, with regard to this particular Bill. But with regard to the basic factor I cannot think that this can be called a remarkable change when you give only Rs. 16 lakhs to a University like the Calcutta University.

With regard to this particular aspect, the Hon'ble Chief Minister has said that the people often in this House talk of fund, but he says "where is the money to come from"? He has said that we cannot ask the industrialists to pay for their maintenance, because it is not the only kind of social service. There are so many other institutions. We have hospitals, we have other institutions for social service, and we require money for those institutions. Is all the money to come from the industrialists? I think by now the question needs answering. We have made it clear to the Hon'ble Minister that as the situation now is, as things stand today, all the money for the social services certainly cannot come from industrialists, especially the factory owners, unless there is a thorough reorganisation of our economic life. I think more than once I have been trying to make that unless you reorganise the whole economic life of West Bengal and

In India, it is impossible for us to find money. That is the first thing, but I am sure that this Government is both incapable and unwilling to bring about that fundamental reorganisation, not because the Ministers are bad people—they may be the finest people on earth—but they cannot do it because it is against class interests, it is against the interests of big capitalists and landlords whom the present Government represents. That is why it is impossible for them to find money.

Secondly, Sir, why is it that the Hon'ble the Chief Minister has said: Are we to ask big industrialists to pay money all the time for all the purposes? No. But at least for some purpose the big industrialists may be asked to give money for social services. But has that been done? We have seen the Central Budget; we have seen the West Bengal Government budget. Can it be said by the West Bengal Government at least here for the last time "We have seen to it that big industrialists are made to pay much more than other sections of the people"? I am sure that has not been done. I am sure they have not done that. Tea magnates, jute magnates, iron and steel magnates, shipping magnates—have they been taxed more than the other sections of the people? There should have been some such discrimination if it had been a democratic Government, a Government for the people, but unfortunately that has not been done. Therefore when not a single step is taken towards that direction, to ask us "Where shall we find money?"—I think that is no question, and the answer to that question is known to the Chief Minister as well as to the Education Minister.

The Chief Minister had gone on a tour of Western countries, and he has brought for us certain of his experiences. One of them he has mentioned in the House today. He has said: "I have been looking here, I have been looking there; I have been looking at the sky for money". But the Chief Minister has been looking at the wrong places for money. He should have looked at the pockets of his friends. He knows all of them by name, because he has had tea parties with them. They go to see him in Writers' Buildings and in his house and in addition he is an eminent physician and visits these big industrialists and their families. He should have known where to find money. Why look at the sky; no money will fall from the sky, that is obvious. Then he has said: In the West it is not only the industrialists who pay but all sections of the people are made to pay". It is true that for social service ordinary people in the western countries have been made to pay for everything (But may I, as I did on another occasion, draw his attention to China, the Soviet Union and the Peoples' Democracies in Eastern Europe? I am fortunate that the Hon'ble Chief Minister at the very beginning of this session drew my attention to a quotation from Mao Tse Tung, the great leader of China. I had on a previous occasion asked him to read that passage over and over again. I once again ask the Hon'ble Education Minister together with the Hon'ble Chief Minister to read these books which are being published from China, to read things which are happening in the Soviet Union and in the Peoples' Democracies in Eastern Europe. Their countries were ravaged as no country in the world was ravaged by war, by famine and by other means, but despite that they have risen today as equals in the comity of nations with their heads aloft. They are going forward not only with social services, but they have seen to it that the prices of things go down in their countries.) And yet the Hon'ble Chief Minister tells us that we must look to the West for guidance and he looks to the biggest capitalist countries in the world—Great Britain and America, and tries to tell us that these are the examples before us of social services. I would tell the Hon'ble Education Minister in all seriousness that if he has not yet read these

books, I will supply him with these books and he should read these books and see what has been done in the Soviet Union for the last 33 years for education and what they did right at the beginning. I would also ask him to find some time to read Rabindranath's Letter from Russia and he will understand there as to what our great poet felt and what he said about the great Soviet Union which he visited such a long time back and even then the remark that he made was about the fundamental change, the revolutionary change in the educational system of that once Czarist Empire, Russia. Why I mention all this is that I know that it would be rather painful, rather difficult for our Education Minister to look at the books which are published in those countries, because our Hon'ble Ministers do not like democracy; they do not like to hear the people and that is why they must look to Great Britain, to America. They are their ideal, but, Sir, unfortunately for the people of our country, if the capitalist countries like Great Britain and America are to be our ideal, then there is no hope for the West Bengal, for the whole of India. If the Peoples' Democracies are our ideal then I am sure that that will be a boon for our country. That is why once again before I sit down I say that this Bill is merely tinkering with the problem of education, of university education in this country, of college education in this country. Fortunately for us probably this will be the last occasion when this Government will be there and we shall make an endeavour to see that we get rid of this Government and bring in a Government of democratic unity, a Peoples' Republic and we shall see that the representatives of the people shall rule and we shall see to it that the Bills, that come before this House for enactment would really be in the interests of the people and not in the interests of a few sections of the people.

**8J. CHARU CHANDRA BHANDARI :** মাননীয় ডেপুটি স্পীকার মহোদয়, আমাদের সামনে Universityকে re-organise করার জন্য এই বিল উপস্থাপিত করা হয়েছে। আমরা দেখতে পাচ্ছি যে পূর্বে Universityর যে constitution ছিল এবং আমরা যে constitution দিতে যাচ্ছি এবং মধ্যে তফাৎ কি? যে constitution ছিল সে constitutionএর মধ্যে মস্ত বড় defect ছিল, সে constitution democratic নয়। তাতে সেনেটের যে সভা তার শতকরা ৮০ জনই Vice-Chancellorএর recommendation দ্বারা nominated হতো। কিন্তু একটা জিনিষ তার মধ্যে ছিল—যেটা ভাল জিনিষ সেটা এ বিলের মধ্যে নেই। তার মধ্যে ছিল একটা independence এবং এই independenceএর দরুন বৃটিশ আমলে অনেক বিপদ হতে University জড়িতকৈ বাঁচিয়েছে। University তখন এমন ছিল—যে কথা জ্যোতিবাবু বলেছেন এক সময় ভাবতবর্ষের অন্যান্য University Calcutta Universityর মুখের দিকে, তার আদর্শের দিকে, চেয়ে থাকতো। কিন্তু সেই constitutionএ দেখা ছিল এই যে, সে constitution democratic নয়, সেজন্য independence থাকা সত্ত্বেও এটা পড়ে গিয়েছে একটা coterie ruleএ। সেজন্য বর্তমানে যে Bill আনা হয়েছে, আমরা মনে হয়, তার প্রধান উদ্দেশ্য—Universityর যে সমস্ত function—affiliating, examining and teaching এই তিনটা ভালভাবে organise করা। এবং সঙ্গে সঙ্গে constitutionকে reorganise করা। এবং তার constitutionএ যে শেষ—democratic constitution তাতে নাই—সেটা খানিকটা পুর্গঠন করা হয়েছে—যেটা এক হাতে দিয়ে আর এক হাতে নেওয়া হয়েছে সে হচ্ছে Billএ অত্যন্ত Governmental control. অর্থাৎ আগে independence ছিল, democracy ছিল না আর এখন democracy দেওয়া হয়েছে কিন্তু Governmental control introduce করা হয়েছে। আগে বৃটিশ আমলে independence থাকার দরুন অনেক crisis থেকে বেঁচেছি কিন্তু এখন আর বাঁচবার উপায় নাই। Educational sphereএ স্বদেশী Government হোক বা বিদেশী Government হোক যে কোন Government control থাকা অত্যন্ত নাপাশক। অম্বা দেখবো University সম্পর্কে কোন Educational Institution সম্পর্কে, বিশেষ University, সম্পর্কে Government কতদূর যাবে। এটা ঠিক কথা যে education সম্বন্ধে Governmentএর কিছু বলবার আছে। সেটা কতদূর Government দেখবে educational standard কতদূর হবে, তার কোন্ ডিগ্রী হবে, তার পাঠ্য কি হবে, faculty কতগুলি

হবে এবং কি হবে এবং কত হবে—এটা Government দেখবে। Nature of education কি কোন কোন বিষয়ে Faculty হবে Government তা বলে দিতে পারে। কিন্তু যেন এমন constitution হয় যাতে সোটা সম্পূর্ণ democratic হয়। এবং তার internal administrationএ কোন হাত না থাকে।

**The Hon'ble Rai HARENDRA NATH CHAUDHURI :** That's right.

**Sj. CHARU CHANDRA BHANDARI :** এই বিলে যা ক'বা হয়েছে তাতে প্রতি দিকেই বাঁধাব চেষ্টা হয়েছে। নানা অজুহাতে Governmentএর হস্ত প্রত্যেক বিষয়ে দেখতে পাওয়া যাচ্ছে; এমন প্রশ্ন হচ্ছে এই—

**The Hon'ble Rai HARENDRA NATH CHAUDHURI :** কোথায়? কোথায়?

**Sj. CHARU CHANDRA BHANDARI :** আসছি, আসছি। এই যে constitution এটাকে অর্থাৎ University constitutionকে democratic করার উপায় কি? University's constitution প্রকৃত democratic হওয়া উচিত যেমন আমাদের Stateএর constitution করেছি তা adult franchise বা suffrage দ্বারা election হয়, তেমনি Universityও এই adult franchiseএর equivalent কোন জিনিষ থাকার দরকার। University constitution-এ আছে তার graduate তার teachers এবং students এই সমুদ্বই University's constituents. তা'হলে Universityতে যদি democratic constitution দিতে পারা যায় তা'হলে এরকম এককম বিভিন্ন interest হয়ত হ'তে পারে, কলেজ, কলেজের Principal, অন্ততঃ administrative body senate তার constitution অত্যন্ত democratic হওয়া উচিত। অর্থাৎ তা'র যে member elected হবে, তার অধিকাংশ অন্ততঃ registered graduate দ্বারা আছে, তাদের দ্বারা elected হওয়া উচিত। আর একটা কথা আমাদের বাধ্যকরণ Commission recommend করেছেন Alumni Associationর কথা আছে। আমাদের দেশে studentsদের মধ্যে এমন organisation এখনও হয়নি। যা আছে, তার অধিকাংশ বাইরের political party দ্বারা influenced তা ছেড়ে দিলেও senate এর constitution-এরকম হওয়া উচিত, সমস্ত না হোক, অন্তত 50 per cent. সভা registered graduate দ্বারা elected হওয়া উচিত। এবং তাদের বেলায় এমন কিছু করা উচিত নয়, বর্তমান আইনে যেমন আছে—তাতে বাৎসরিক একটা চাঁদা দিতে হয়, বাৎসরিক চাঁদা উদিয়ে দেওয়া উচিত। তবে সামান্য একটা nominal fee হ'তে পারে যাতে enrolment হতে পারে এবং registered graduate অন্ততপক্ষে 50 per cent. যেন হয়—বেশী না হোক—50 per cent. of the personnel of the senate. এইভাবে elected হলে তবে প্রকৃতপক্ষে democratic constitution হতে পারে। আমরা এটা গ্রহণ করেছি—যে, যদি কোন administrative body institutionএ mal-administration চলে তা'হলে তা'র একমাত্র remedy তা'র constitution বা গঠনতন্ত্রকে আরো বেশী democratic করা, তা'র constitutionকে আরো বেশী broadbased করা। আর একটা জিনিষ করা উচিত যা এই বিলের মধ্যে নেই। এ বিলের প্রতি ক্ষেত্রে Government controlএর চেষ্টা হচ্ছে। এমন কি Academic Council—যেটা নাকি purely academic matter নিয়ে গঠিত সেখানে Director of Public Instructionএর member থাকার কি প্রয়োজন আছে আমি বুঝতে পারি না। এই Director of Public Instruction syndicateও member ও Academic Councilএরও member Section 7এ এমন একটা ব্যবস্থা করা হয়েছে—কোন self-respecting institutionএর এটা সভা করা উচিত নয়—এই interference. যেভাবে inspection-এর ব্যবস্থা করা হয়েছে University College affiliate করবে। এই Bill যদি in the present form পাশ হয় Calcutta Universityকে affiliate করা হ'ল—affiliated to the State of West Bengal. তার যে independence sections XXIVএ finance ব্যবস্থা যা রাখা হয়েছে তাতে তার accounts auditor দ্বারা audit করতে হবে। এইমাত্র বিধান রাখলেই যথেষ্ট, Government যে কোন সময় ইচ্ছা করলে inspection reportএর উপর action recommend করবে এবং তা গ্রহণ করতে হবে। বলা আছে non-academic matters, academic matters and purely academic matters. কিন্তু যা আছে এমন কি matter আছে যা academic matter নয়। Calcutta Universityর এই building কেন হল, এত বেশী দরকার কি,

এই জিনিষটা বদলেই তো academic matters সঙ্গে সম্পর্ক এসে পড়ে। „University বলবে এতটা কাজ করতে হবে, কয়জন ছাত্র কিভাবে বসবে, কোনটা হবে, কতটা বেশী হবে এই জিনিষ—এইগুলি আদর্শ মতে purely academic matter. এইভাবে inspection করলে আবার মনে হয়, নতুন ধারণা clause যা আছে পুঙ্ক্ত derogatory to the independence of the University তার সম্বন্ধে এই যে clause 7 এইটা একটা প্রধান clause. Clause 8 and clause 24 এগুলি প্রধান clause. দ্বিতীয় কথা Vice-Chancellorএর appointmentএ Governmentএর কোন হাত থাকবে তা বুঝতে পারি না। দ্বিতীয় কথা হচ্ছে Government Vice-Chancellor appoint করবে কিন্তু Vice-Chancellor কি করে independent হয়ে কাজ করতে পারে সে বিধানটাও এই বিলে করা উচিত। এবং তা'হলে term of office বাড়িয়ে দিয়ে ৪ বছরের জায়গায় ৬/৭ বছর করা উচিত যাতে আর পুনরায় eligible না হয় for reappointment. এরকম না হ'লে কোন Vice-Chancellor independently কাজ করতে পারে না Governmentএর সঙ্গে।

তৃতীয় কথা হচ্ছে Governmentএর প্রথম যে set up—clause 52তে সাংঘাতিক কথা আছে। First Vice-Chancellor—সেখানে আছে, Government নিজে appoint করবেন এবং প্রথম set-up Governmentই ক'বে দেবেন। এব খট্টা আমার মনে হয় সমস্ত বিলটা, ভাল জিনিষ যা ছিল সবটাই নষ্ট হয়ে যাবে কারণ first set-up under the guidance of Government হবে। Governmentএর পক্ষে কত লোক করবে সেখানে Professors, Readers, Deans সমস্ত কাৰ্য্য হবে, for the first constitution আপনাদা বল দিয়েছেন যাবা এখন আছে তাদের প্রত্যেককে অর্থাৎ শাসনপদ্ধতি যে amendment দিয়েছেন তার last clauseএ বলেছেন—আজকে দেখছি এটা বদলেছে—তাল সম্বন্ধে এট সমস্ত জিনিষটা ধীরে ধীরে বিবেচনা ক'বে দেখা যায়, তা'হলে এট হবে যে Governmentএর নিজের হাতেই লোক সর্বপ্রথম Vice-Chancellor হবে, হয়ে senate করবে, faculties, Board of studies করবে and what not. To set the ball in motion—এই জিনিষটা করতে হলে প্রথমে একজন কাউকে আনতে হয়। এইভাবে প্রথম Vice-Chancellor কোন বকমে সৃষ্টি হল। কাকে Vice-Chancellor করবেন, কাদের syndicateএ আনবেন সোটা minimum necessity, কিন্তু কোন first Vice-Chancellor গভর্নমেন্টের nominated man হবেন। তিনি senate করুন, সেক্ট্র ক'বে থেকে যুন, তা'হলে আমি বুঝতে পারি গভর্নমেন্টের ভাল intention আছে। কিন্তু গভর্নমেন্ট এক হাতে যা দিচ্ছেন আর অপর হাতে by section 52তে সব কেড়ে নিচ্ছেন। কিন্তু first set-upএ Universityর characterটা আপনাদের nominated লোকদের দ্বারা কি হবে সোটা চিন্তা করা দরকার।

Universityর first set upএ Vice-Chancellorকে গভর্নমেন্টের দ্বারা appoint ক'বে রাখার কি প্রয়োজন আছে এই জিনিষটার দিকে ভারপ্রাপ্ত মন্ত্রী মহাশয়ের দৃষ্টি আকর্ষণ করছি। Senate ছাড়াও, first Vice-Chancellor, Syndicate, Faculties, Board of Studies তাঁরা constitute করবেন—এই জিনিষটা বুঝতে পারি না। অতএব গভর্নমেন্টের যদি control থাকে, সোটা উঠিয়ে দেওয়া উচিত। কারণ control যতই থাকবে, ততই education রাখাপ হবে। যেমন পূর্বে আমাদের University independent ছিল কিন্তু তাতে democratic constitution ছিল না। বৃটিশ গভর্নমেন্টের আমলে অনেক Vice-Chancellor দেখেছি এবং তাদের independenceএর উপর কখনও হাত দেওয়া হয়নি কিন্তু আজকে Vice-Chancellorএর সেই independenceটা কেড়ে নেওয়া হচ্ছে। তাকে democratic constitution দেওয়া হচ্ছে বলা হচ্ছে, অর্থাৎ from the frying pan into the fire পড়ে যাচ্ছি। অতএব আমার মনে হয় বিলটাকে খুব ভালভাবে overhaul করা দরকার; তা যদি না করা হয় তা'হলে এই বিলের দ্বারা আমরা খুব বেশী অগ্রসর হ'তে পারব বলে মনে হয় না। Seemingly মনে হচ্ছে গভর্নমেন্টের সবস্ত বিষয়েই সর্বত্র, একটা control করার tendency হয়েছে। কারণ দেখা যায় Government কোন Bill আনলেই, সেখানে গভর্নমেন্টের কোন একটা tendency—প্রবণতা—হয়ে গিয়েছে যে কি ক'রে সে একটু control হাতে রেখে দেবে। এ কি ধারণা কথা democratic constitutionএ autocracy হচ্ছে—all spheres of life. এই tendency আস্তে আস্তে নয়—University হিতের জন্য ভাল নয় এবং দেশের স্বাধীনতার জন্যও ভাল নয়।

**Janab MUDASSIR HOSSAIN:** Sir, I have heard with rapt attention the speeches which have been delivered in this honourable Assembly with regard to this Bill. Sir, these speeches remind me of a saying which is often repeated by Satyapirwala. They say whenever any person comes for a blessing and gives a pice and then the man who holds the Satyapir comes and says:

আমি কিরা দোহা দেব,

কিরা আমি জিনি।

• দোহা দেবে না ফতেহা, জননী ॥

Sir, such is the case with my friends over here. They cry that there is no fund for the University with which the University can be run. I see from section 50 that the University shall have a fund to which shall be credited its income from fees, endowments and grants, if any, and any contribution by any Government, and which shall include all trusts, endowments and grants hitherto created or made in favour of the University. This is the fund. Now, Sir, it is always complained that this fund is not sufficient for the running of the University and for making arrangements for Post-graduate studies, for scientific studies, for scientific researches and all these things. It is quite true that this amount is not sufficient for running the University in an efficient and proper manner and my friend Dr. Ghosh suggests that something must be realised from the big capitalists and industrial magnates. With regard to this I may say that in every civilised country, in every industrialised country, in every advanced country, the industrialists and commercial men do contribute to the funds of the University, but, Sir, whenever they contribute to the funds of the University they get more benefit than the amount which they contribute in this sense that all industries require research, all industries require invention, all industries require discovery. Sir, eminent Professors and Research Scholars are engaged by the industrialists and they give advance and by the research they bring out something by which the industrialists are benefited. Can my friends here cite a single instance in which the industrialists have been benefited by the research work of the great professors? Nothing of the sort. But the simple thing is that both the research work and industry also are in an undeveloped condition. For an undeveloped country like India or Bengal where neither industry nor research has been advanced, no amount can be taken from those funds.

I only beg to submit, I have always advocated it, that primary education should be free; I have always advocated that secondary education should be free; I have always advocated that University education should be free; but the question is that my honourable friend the Hon'ble Education Minister will say, "Well, how shall I get money for financing these educational institutions"? Well, the road is clear. If you do not take advantage of these sources from which you can draw you can never prosper. Neither your University education nor your secondary education nor your primary education will ever improve; it will remain in the same undeveloped and primitive condition as it is at present. What I mean to say is this, that all things depend on co-operation and if you take to co-operation, everything will be solved. As I pointed out the other day, the Belgians are taking to co-operation. They first established High Schools in order to impart education, both primary and secondary education, and that education was imparted not with the help of the Government. They did not ask for any money from the Government but the whole village, the whole town was organised and from the resources which they possessed, a part of their

income they devoted to the education of their children and education was free. In a similar way if we organise every village co-operatively and if we resolve that part of the produce of our land or produce of our manufacture, part of our income should go for the dissemination of primary education, for the extension of primary education, and then when it is finished, for the extension of secondary education and for the extension of University education, that will solve the problem. If you go to Egypt you will find that both primary education and secondary education and even university education—you need not go to China or you need not go even to Soviet Russia—(The Hon'ble Rai HARENDRA NATH CHAUDHURI: Only to Egypt?) That is not a matter of laughter. Egypt is in the same position as yours. Any way, what I advocate is this that it is according to the constitution of the noble Congress that it must be a co-operative commonwealth, that is to say, every village must be co-operatively organised, every town must be co-operatively organised, every industry must be co-operatively organised, every State must be co-operatively organised, every means of production must be co-operatively organised, every means of distribution must be co-operatively organised—and there is the remedy, there you will find ample means, ample money. Mr. Co-operative Minister, you may laugh because you have not got any idea. (Laughter.) So I want and I thoroughly agree with the observation of our Hon'ble Chief Minister that the University education must be broadbased on primary education. Where primary education is not based on solid foundation, there can be no secondary education and where secondary education is not broadbased on solid foundation, there can be no University education, and the state of primary education is deplorable in our country.

So, Sir, while I congratulate the Hon'ble Chief Minister and the Hon'ble Education Minister for the excellent Bill which they have placed (The Hon'ble Rai HARENDRA NATH CHAUDHURI: ঐ আবার।) but he is your leader and all credit must go to him. I congratulate him and at the same time I point out that the speeches which have been delivered by the other side in criticism will go in vain.

### Adjournment.

The House was then adjourned at 6 p.m. till 3 p.m. on Wednesday, the 18th April, 1951, at the Assembly House, Calcutta.

**Proceedings of the West Bengal Legislative Assembly assembled  
under the provisions of the Constitution of India**

THE ASSEMBLY met in the Assembly House, Calcutta, on Wednesday, the 18th April, 1951, at 3 p.m. .

**Present :**

Mr. Speaker (the Hon'ble ISWAR DAS JALAN) in the Chair, 11 Hon'ble Ministers and 52 members.

**• STARRED QUESTIONS**

(to which oral answers were given)

**Migration of Hindus and Muslims from East Bengal and West Bengal  
following the communal disturbances of February, 1950**

\*86. **SJ. BIMAL COMAR CHOSE:** Will the Hon'ble Minister in charge of the Home Department be pleased to state—

- (a) the number of Hindus who, since the communal disturbances in February, 1950, have (i) migrated from East Bengal to West Bengal, and (ii) returned from West Bengal to East Bengal;
- (b) the number of Muslims who, since the communal disturbances in February, 1950, (i) migrated from West Bengal to East Bengal, and (ii) returned from East Bengal to West Bengal;
- (c) the machinery for collection of the above statistics; and
- (d) (i) the number of cases of (1) murder, (2) assault against women, and (3) missing women in East Bengal since the February 1950 communal disturbances that have been reported or otherwise brought to the notice of the Government; and
- (ii) whether any representation has been made to the East Bengal Government about these cases; and, if so, with what results?

**MINISTER in charge of the HOME DEPARTMENT the Hon'ble Dr. Bidhan Chandra Roy:** (a) About 24 lakh Hindus have come into West Bengal since 1st January, 1950, up to the end of January, 1951. Actual figures of those who arrived since February, 1950, are not available. Communal disturbances started on a large scale in East Bengal in December, 1949, with the Bagerhat incidents.

About 35 lakh Hindus came from East Bengal to West Bengal from the time of the partition. Of that total about 12 lakh Hindus have gone back to their homes in East Bengal since the Prime Ministers' Agreement of April, 1950, up to the end of January, 1951. It is not possible to say how many of these 12 lakh Hindus came to West Bengal since the 1st February, 1950.

(b)(i) 11 lakh Muslims migrated from West Bengal to East Bengal since the disturbances in February, 1950, up to the end of January, 1951.

(ii) About 7½ lakh Muslims out of these returned to their homes in West Bengal during the same period.

(c) The procedure and the machinery for collection of the statistics are indicated in Annexure I.



Recently the Directorate of Statistics have submitted a report regarding migrants which tallies greatly with the report collected by us.

(d)(i) No authentic information is available, but the statement at Annexure II gives the number of cases regarding which information was received by this Government from various sources.

(ii) Protests are made to East Bengal Government in all cases in which information is available and which appear to be *prima facie* correct. A statement about the cases reported and the replies received from East Bengal is given in Annexure II.

*Annexure I referred to in reply to clause (c) of starred question No. 86*

1. For the period before communal disturbances on a large scale started in East Bengal in December, 1949, a census was taken in July, 1949.

2. The following will show the procedure adopted soon after the disturbances started.

The refugees coming from East Bengal can be divided into two separate classes, viz.—

- (1) arrival by train, air or ship, and
- (2) arrival cross-country.

(1) As regards arrivals by train, air and ship, the basis of calculation is as follows: At each such point, the Rehabilitation Directorate maintains interception staff. Such staff find out on enquiry which of the passengers are refugees, and then prepare statements. As a part of their duty, the interception staff distribute tickets to refugee families classifying them according to the nature of the relief they want from the Directorate—(i) those who want accommodation in Government Camps are given tickets of white colour, (ii) those who need Government help to pass through Calcutta to other distant places are given blue tickets, (iii) those who need no such help from Government but will disperse themselves at Calcutta are given red tickets. The figures in Sealdah are also checked with reference to figures supplied by the Government Railway Police, Sealdah.

(2) Persons arriving on foot cross-country are not counted by the interception staff. The figures are supplied by the District Officers, who utilise the services of the Police and have them checked up by reference to other knowledgeable agencies.

3. As regards Muslims, those travelling by rail by the Bongaon-Benapole and Banpur-Darsana routes, by steamers and by air are counted at the stations. These figures, supplemented by reports of migrants collected by the District Magistrates, are utilised for arriving at the totals.

*Annexure II referred to in reply to clause (d) of starred question No. 86*

A. Total number of Hindu women reported to be missing in East Bengal.—229.

Result of enquiries of the missing cases made by the East Bengal Search Service Bureau is as follows:—

- (a) Traced with relatives either in East or in West Bengal—78.
- (b) Reported to have left for West Bengal but still untraced. Enquiries are in progress in all the Refugee Camps of West Bengal, Bihar and Orissa—25.

- (c) Reported as having never lived at the addresses given or the addresses given as wrong—19.
- (d) Traced and found after abduction by Hindus—1.
- (e) Number of cases pending enquiries—106.

*B. Total number of Hindu women reported to be abducted in East Bengal.—291.*

Result of enquiries of the abduction cases made by the East Bengal Search Service Bureau is as follows:—

- (a) Abduction—4.
- (b) Came to the alleged abductors, embraced Islam voluntarily and not abducted—15.
- (c) Took shelter in Muslim houses temporarily and not abducted—2.
- (d) Outraging of modesty and no abduction—3.
- (e) Traced with relatives in East Bengal and not abducted—15.
- (f) Reported to have left for India and not abducted—17. (Only 5 traced so far in India. Enquiries about the rest are in progress.)
- (g) Either never lived at the addresses given or the addresses given were not in existence, allegations baseless, no such incidents—94.
- (h) Dacoity and riot with or without murder but no abduction—5.
- (i) Abducted by Hindus—2. (Case started.)
- (j) Number of cases pending enquiries—134.

*Note.*—It is reported by the East Bengal Search Service Bureau that prosecutions were started against the alleged abductors in 13 cases, in 4 of which charge-sheets were submitted. In the remaining 9 cases the allegation of abduction was not substantiated though in 3 of these cases the girls were recovered and restored to their relatives.

*C. Total number of killed reports received.—1,745.* (The reports of persons killed in East Bengal were received from relatives or neighbours who came to West Bengal after the disturbances but were not verified excepting in few cases in which the relatives pressed for verification of the death reports.)

*D.* As regards the reports of persons killed or murdered in East Bengal, the Government of East Bengal have sent replies in some cases. In the replies so far received they have admitted 12 cases to be true.

**SJ. BIMAL COMAR CHOSE:** With reference to answer (c), will the Hon'ble Chief Minister be pleased to state what is the source of information of the Directorate of Statistics and if it is different from the source indicated here?

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** The Director of Statistics has his own machinery. Here I have given the whole description when the matter came up twice before the Assembly. I am very sorry the honourable member had not given his attention to me. The Director of Statistics has divided up the whole Province into different Divisions. He appointed Divisional Commissioners and Subdivisional Officers taking it down to the Union Board office. His statistics are derived from an entirely different machinery from what is given here.

**SJ. BIMAL COMAR CHOSE:** Will the Hon'ble Minister be pleased to state whether the Director of Statistics' figures relate to migrants who have come over here and settled here or whether they are collected at the time they crossed over from East Bengal to West Bengal?

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** I have already mentioned that the Director of Statistics started his investigation in September and October, 1950, long after the refugees had crossed over.

**8J. BIMAL COMAR CHOSE:** With reference to annexure II-A(e) and B(f) referred to in answer (4), will the Hon'ble Minister be pleased to state as to what the Government has done or if the Government has any authority to do in respect of the cases about which no information has yet been received; whether the Government can bring in pressure to bear upon the East Bengal Government to have these cases expedited in order to obtain information?

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** We simply informed the East Bengal Government through our State Department and asked them to expedite the matter.

**8J. BIMAL COMAR CHOSE:** With reference to Annexure II-B(b), will the Hon'ble Minister be pleased to state whether the embracing of another religion by members of the minority community is or is not permitted under the Delhi Agreement?

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** The Delhi Agreement is available to everybody and I think everybody has had a chance of reading it and finding out his own deductions from it. I cannot say anything more than what is mentioned here.

#### **Absorption of former Cooch Behar Government servants into respective services of West Bengal State Government**

**\*87. 8J. UMESH CHANDRA MANDAL:** Will the Hon'ble Minister in charge of the Home Department be pleased to state—

- (a) the principle of absorption of the then Cooch Behar Government servants into respective services of the West Bengal State Government; and
- (b) whether their length of service and efficiency were taken into consideration in determining their scales of pay, grades and seniority over the employees of West Bengal Government allotted to Cooch Behar in the comparable grades and scales of pay?

**The Hon'ble BIDHAN CHANDRA ROY:** (a) and (b) Under Article VIII, clause (1) of the Agreement between the Government of India and the Maharaja of Cooch Behar, permanent members of the Public Services of Cooch Behar were guaranteed either (i) continuance in service on conditions which would be not less advantageous than those on which they were serving before the date on which the administration of Cooch Behar was made over to the Government of India, or (ii) the payment of a reasonable compensation.

In pursuance of these terms orders were issued by the Government of West Bengal directing continuance in service of all persons, subject to subsequent selection by a suitable agency appointed in this behalf and also subject to requirements of administration, who immediately before the merger were holding posts sanctioned by a competent authority in Cooch Behar, in the same posts, on the same pay and on the same terms with additional benefits of interim pay, dearness allowance and other allowances admissible to employees of the Government of West Bengal.

Government also laid down that all such persons should have an option to continue in the service of the Government of West Bengal or to retire on pension and that no one should be discharged without reasonable compensation.

Regarding their absorption in the service of the Government of West Bengal, it was laid down that they would, subject to selection by a suitable agency appointed in this behalf and also subject to requirements of administration, be absorbed in the service of the Government of West Bengal. In accordance with these principles a Selection Committee was constituted by the Public Service Commission under rule 7 of the Rules of Procedure of the Public Service Commission to consider the suitability of the existing personnel in Cooch Behar, who were holding posts analogous to gazetted posts under the Government, for absorption in the services of the Government of West Bengal. The cases of all such persons have been scrutinised by the Selection Committee and the Public Service Commission has submitted its recommendations. In making its recommendations the Commission has taken into consideration the suitability of the existing personnel with due regard to their qualifications, past experience, service records, their existing pay and allowances, etc.

As regards non-gazetted personnel other than clerical and menial staff, a Committee has been constituted by Government to scrutinise their cases and the respective appointing authorities have been authorised to absorb such personnel into the posts sanctioned in the new set-up of Cooch Behar under their charge on the recommendations of the said Committee. The clerical and menial staff will, however, be absorbed by the appointing authorities directly. If there be any overflow in either case an endeavour will be made to absorb the surplus in suitable vacancies under the Government of West Bengal in other places. The process of absorption is in progress. The persons so absorbed will get the pay scales of the posts or service to which they will be absorbed and in fixing their initial pay, their present emoluments will be taken into account. In most cases the pay scales after absorption will be better than the pay scales under the Cooch Behar State Government.

As regards the question of seniority in relation to the employees of the West Bengal Government in the same services, no general principle has yet been formulated.

### UNSTARRED QUESTION

(answer to which was laid on the table)

#### Land improvement loans in Bankura district

26. **SJ. KANAI LAL DE:** Will the Hon'ble Minister in charge of the Co-operation, Credit, Relief and Rehabilitation Department be pleased to state—

- (ক) বাকুড়া জেলার গত ১৯৪৯ ও ১৯৫০ সালে কতজন Land Improvement-এর জন্য সরকারের নিকট ঋণপ্রাপ্তির আবেদন করিয়াছিল এবং কতজন ঋণ প্রাপ্ত হইয়াছে;
- (খ) তাহাদের নাম ও কে কত টাকা ঋণ পাইয়াছে; এবং
- (গ) ঋণগ্রহণের পর ঋণগ্রহীতাগণ কে কত পরিমাণ কৃষি কৃষিযোগ্য করিয়াছে এবং ঐ জমির উৎপন্ন শস্যের পরিমাণ আনুমানিক কত হইবে?

**MINISTER in charge of the CO-OPERATION, CREDIT, RELIEF and REHABILITATION DEPARTMENT (the Hon'ble Dr. Rafiuddin Ahmed):**

		আবেদনকারীর সংখ্যা।	ঋণগ্রহীতার সংখ্যা।
(ক) ১৯৪৯	..	৩৯২	৫৭
১৯৫০	..	৭৫৬	১৪৬
মোট	..	১,১৪৮	২০৩

(খ) ও (গ) টেবিলের উপর দুইটি বর্ণনাগত রাখা হইয়াছে।

১৯৪৯ সনে ৫৭ জন ঋণগ্রহীতার মধ্যে ১৮ জন প্রথম কিস্তী লইয়া বাকী টাকা ১৯৫০ সনে লওয়ার জন্য ১৯৫০ সনের তালিকাতে ১৪৬ জনের স্থলে ১৬৪ জন দেখান হইয়াছে।

*Statements referred to in reply to clauses (খ) and (গ) of unstarred question No. 26*

1949

Serial No.	Names of recipients of land improvement loans.	Address.	Amount advanced.	Area of the land improved.	Approximate yield from the lands improved.
1	2	3	4	5	6
			Rs.	Acres.	Maunds.
1.	Jyotish Chandra Chat-taraj.	Village Purandarpur, police-station Bankura.	150	1.00	15
2.	Satiranjan Banerji ..	Village and police-station Bankura.	1,700	13.06	195
3.	Kuchil Ghose ..	Village Bhadul, police-station Bankura.	900	3.25	49
4.	Janab Mafizuddin Khan	Village Nutangram, police-station Bankura.	400	1.17	17
5.	Silajuddin Khan ..	Village Nutangram, police-station Bankura.	400	1.33	20
6.	Premtosh Bakshi ..	Village and police-station Chhatra,	450	1.32	20
7.	Abdul Samad ..	Ditto ..	400	1.00	15
8.	Asdu Khan ..	Ditto ..	200	.55	8
9.	Bagala Mondal ..	Ditto ..	240	2.46	35
10.	Baridbaran Banerji ..	Ditto ..	400	4.14	62
11.	Bhabatosh Roy ..	Ditto ..	240	4.09	60
12.	Gobardhan Layek ..	Village Khayerpahari, police-station Raipur.	120	2.83	40
13.	Gopal Mondal ..	Village Khyerbani, police-station Raipur.	40	.12	2
14.	Sanatan Saren ..	Village Hatkate, police-station Raipur.	200	.52	7
15.	Kanailal Kisku ..	Ditto ..	300	.86	12
16.	Purnachandra Mahata	Village Bishanpur, police-station Raipur.	1,000	3.21	45
17.	Gobardhan Murmu ..	Village Sagarchaka, police-station Raipur.	400	1.37	20
18.	Ramdayal Mondal ..	Village Birsingpur, police-station Simlapal.	400	1.95	30

Serial No.	Names of recipients of land improvement loans.	Address.	Amount advanced.	Area of the land improved.	Approximate yield from the lands improved.
1			4	5	6
			Rs.	Acres.	Maunds.
19.	Manmatha Nath Mondal	Village Surigora, police-station Khatra.	200	1.34	20
20.	Surendra Nath Singh Bhuia.	Village Tongchara, police-station Ranibandh.	320	1.98	30
21.	Karali Pada Dey	Village Galdanga, police-station Gangajalghati.	800	3.00	45
22.	Ashutosh Singh	Village Desura, police-station Gangajalghati.	1,000	2.51	37
23.	Makulchandra Mukherji	Village Shyampur, police-station Saltora.	300	.65	10
24.	Krishnapada Karmakar	Village Pabra, police-station Saltora.	420	.98	15
25.	Gobinda Tewari	Village Maliara, police-station Barjora.	200	.99	15
26.	Banwerilal Marwari	Village and police-station Mejhia.	460	2.09	30
27.	Durgapada Roy	Village Ardhagram, police-station Mejhia.	200	1.36	20
28.	Digambar Mukherji	Village Duburia, police-station Mejhia.	300	1.54	22
29.	Janab Abdul Wadud	Village Schooldanga, police-station Bankura.	1,200	5.14	76
30.	Srimati Gouribala Dasi, wife of Raicharan Dutta.	Village Kenjakura, police-station Bankura.	300	2.00	30
31.	Sri Kashinath Mukherji, Sri Sitalchandra Mukherji.	Village Garulia, police-station Chhatna.	600	4.37	65
32.	Sri Mangal Majhi, Sri Chandra Majhi.	Village and police-station Jalhari.	120	.39	5
33.	Sri Ruapi Majhi	Village Bhalugaria, police-station Chhatna.	240	1.37	20
34.	Sri Anangamohan Banerji.	Village and police-station Fulberia.	400	5.55	80
35.	Sukharam Saren	Village and police-station Jamthole.	75	.31	5
36.	Sri Baburam Kisku	Village and police-station Jalhari.	80	.23	3
37.	Sri Ramanath Dutta	Village and police-station Sanpura.	75	.16	3
38.	Sri Sibram Saren	Village Jamthole, police-station Chhatna.	100	.39	5
39.	Sri Shyam Chandra Hanada.	Ditto	150	.77	12
40.	Khara Hanada	Ditto	100	.30	5
41.	Sri Dolegobinda Mondal	Village and police-station Jamjuri.	200	.99	15
42.	Arun Chandra Mondal	Village Kosra, police-station Chhatna.	600	2.00	30
43.	Sri Mritunjoy Patra	Village Futiberia, police-station Raipur.	120	1.46	20

Serial No.	Names of recipients of land improvement loans.	Address.	Amount advanced.	Area of the land improved.	Approximate yield from the lands improved.
1	2		4	5	6
			Rs.	Acres.	Maunds.
44.	Adhar Chandra Roy ..	Village and police-station Simlapal.	240	2.53	35
45.	Atul Chandra Mondal	Village Shyamsundarpur, police-station Taldangra.	100	2.53	35
46.	Lakhan Mondi ..	Village Cholagora, police-station Indpur.	160	.50	7
47.	Sri Raju Tudu ..	Ditto ..	160	.91	14
48.	Gobinda Chandra Mallick	Village Khutakata Krishnagar, police-station Ranibandh.	1,500	3.33	20
49.	Sri Bhadratanu Mahata	Village Kotra, police-station Ranibandh.	600	2.39	35
50.	Sri Hemchandra Mahata	Ditto ..	400	2.77	40
51.	Sri Amarendra Nath Dana.	Village Chandgapalashi, police-station Indas.	1,000	4.77	70
52.	Sri Sripati Konar ..	Village and police-station Habishpur.	1,000	.98	15
53.	Sri Jatindra Nath Hati	Village Mangalpur, police-station Indas.	2,000	4.95	75
54.	Sri Satishchandra Banerji.	Village Bahalalpur, police-station Indas.	1,500	5.14	80
55.	Sri Sridhar Chandra Dey	Ditto ..	320	*	*
56.	Sri Satya Kunkar Chandra	Village Gobindapur, police-station Indas.	800	5.00	300
57.	Sri Jnanshankar Ghose	Ditto ..	1,200	20.00	275
		Total ..	28,320	161.90	2,271

## 1950

1.	Srimati Gouribala Dasi, wife of Raicharan Dutta.	Kenjakura, Bankura ..	450	6	90
2.	Sri Atul Chandra Mondal	Schooldanga, Bankura ..	800	3.48	50
3.	Sri Gopal Chandra Singha, Mahabir Chandra Singha, Shyamapada Singha.	Arjunpur, Bankura ..	400	3.08	45
4.	Sri Banamali Karmakar, Ratan Chandra Karmakar.	Kenjakura, Bankura ..	1,600	5.70	85
5.	Sri Pronoykumar Adhurja.	Pathakpara, Bankura ..	2,000	7.61	110
6.	Sri Bhusan Chandra Atha.	Gouripur, Bankura ..	800	1.62	22
7.	Srimati Suhasini Desi, wife of Ramnath Lai.	Jugbedia, Bankura ..	500	1.05	15
8.	Srimati Hirmati Dutta	Jugipara, Bankura ..	800	4.20	65

\*As the loanee has not yet spent the money advanced to him for the improvement of lands so further payment has been stopped.

Serial No.	Names of recipients of land improvement loans.	Address.	Amount advanced.	Area of the land improved.	Approximate yield from the lands improved.
1		3	4	5	6
			Rs.	Acres.	Maunds.
9.	Srimati Kironbala Debi	Kulmura, Bankura ..	700	2	30
10.	Sri Arun Chandra Roy	Ailakuradi, Bankura ..	500	4.74	70
11.	Sri Suku Majha, Santan Majhi, Lalghikanta Majhi.	Barabagan, Kenjakura, Bankura.	500	1.66	25
12.	Sri Babulal Dutta, Mahadeb Dutta, Gouranga Dutta.	Kerjakura, Bankura ..	1,500	3.29	50
13.	Sri Kashinath Mukherji, c/o Sital Chandra Mukherji.	Goroulia, Chhatna ..	900	4.37	65
14.	Sri Mangal Majhi, Chandra Majhi.	Galhari, Chhatna ..	180	.39	6
15.	Sri Rupai Majhi ..	Bhalukgari, Chhatna ..	360	1.37	20
16.	Sri Anangamohan Banerji.	Fullberia, Chhatna ..	600	5.55	82
17.	Sri Sunaram Saren ..	Jamthole, Chhatna ..	75	.31	5
18.	Sri Baburam Kisku ..	Galhari, Chhatna ..	120	.23	4
19.	Sri Ramneth Dutta ..	Shyampur, Chhatna ..	75	.16	2
20.	Sri Subram Saren ..	Jamthole, Chhatna ..	100	.39	6
21.	Sri Syama Charan Hansda.	Ditto ..	150	.77	12
22.	Sri Khara Hansda ..	Ditto ..	100	.30	5
23.	Sri Nityagopal Parja, Nabagopal Panja.	Metala, Chhatna ..	1,000	1.68	25
24.	Sri Panchanan Bhandari	Ditto ..	400	.86	12
25.	Sri Chhotalal Mandi ..	Narsingpur, Chhatna ..	240	.36	5
26.	Sri Dubraj Majhi ..	Ditto ..	200	1.14	17
27.	Sri Rasuk Majhi ..	Ditto ..	200	.39	6
28.	Sri Purna Chandra Pal	Danmari, Chhatna ..	1,000	3.08	45
29.	Sri Gatikrishna Pal ..	Ditto ..	700	1.93	30
30.	Sri Rampada Kar ..	Aturibana, Chhatna ..	1,000	3.92	60
31.	Sri Satish Chandra Mukherji.	Saldiha, Chhatna ..	800	2.75	40
32.	Sri Mahananda Mondal	Keshra, Chhatna ..	800	3.17	47
33.	Sri Fakir Chandra Roy, Jogendranath Roy, Nagendra Nath Roy, Sarada Pada Roy.	Harukbedia, Chhatna ..	200	.30	5
34.	Sri Haripada Mondal, Saktipada Mondal.	Kesra, Chhatna ..	1,000	1.53	22
35.	Sri Indra Majhi ..	Saldiha, Chhatna ..	300	.07	Tank.
36.	Sri Kamu Majhi ..	Ditto ..	300	.07	Do.
37.	Sri Chunarām Majhi ..	Ditto ..	300	.07	Do. Maunds.
38.	Sri Ramdhu Majhi, Thatu Majhi, Iswar Majhi, Makha Majhi.	Narsingpur, Chhatna ..	560	.73	12



Serial No.	Names of recipients of land improvement loans.	Address.	Amount advanced.	Area of the land improved.	Approximate yield from the lands improved.
1	2	3	4	5	6
			Rs.	Acres.	Maunds.
39.	Sri Sripati Charan Kar	Aturibana, Chhatna	1,500	3.27	47
40.	Sri Dukhabhanjan Mondal.	Kesra, Chhatna	800	2	30
41.	Sri Profulla Kumar Mondal.	Ditto	300	3.01	45
42.	Sri Sridhar Banerji ..	Kaminibedia, Chhatna	500	.86	12
43.	Sri Bhubaranohan Mondal.	Saldiha, Chhatna	800	1.36	20
44.	Sri Suryanaran Mondal.	Kesra, Chhatna	750	1.26	20
45.	Sri Ajodhyanath Rakhshit.	Palla, Chhatna	640	2.00	30
46.	Sri Saradaprosad Khan	Suribedia, Chhatna	1,000	3.56	53
47.	Sri Phanindranath Chatterji.	Belakuri, Chhatna	750	3.83	55
48.	Sri Motilal Bhatte- charjee.	Gangajalghati	300	.52	8
49.	Sm. Saktirupa Debi, wife of Jyantikumar Chatterji.	Beharjura, Gangajalghati	2,000	3.83	55
50.	Sri Hariprosad Singh ..	Ranbahal, Gangajalghati	800	3.77	55
51.	Sri Jagabandhu Dubey, Balaram Dubey, Karalipada Dubey, Debendra Nath Dubey.	Medanpur, Gangajalghati	400	2.01	30
52.	Sri Rampada Modak ..	Kapiatha, Gangajalghati	400	2.66	40
53.	Sri Ramdas Gangopadhyay.	Binsinda, Gangajalghati	800	4.11	60
54.	Sri Satya Kinkar Singha	Taljhitka, Gangajalghati	600	4.24	62
55.	Sri Gouranga Prosad Tewari.	Maliara, Gangajalghati	500	1.66	25
56.	Sri Mritunjoy Patra ..	Fulberia, Raipur	120	1.46	22
57.	Sri Adhar Chandra Roy	Simlapal, Simlapal	60	.20	3
58.	Sri Lakshan Mandi ..	Chalagora, Indpur	160	.50	8
59.	Sri Raju Tudu ..	Ditto	160	.91	13
60.	Sri Bhadratanu Mahata	Kotra, Ranibandh	900	2.39	35
61.	Sri Hemchandra Mahata, Karalicharan Mahata.	Ditto	400	2.78	40
62.	Sri Hemchandra Mahapatra.	Sridamsole, Khatra	800	2.96	42
63.	Sri Gadadhar Choudhury	Rajakata, Ranibandh	1,600	12.86	180
64.	Sri Shyamchandra Pathak, Brajlal Pathak, Radhaballav Pathak, Jatindra Nath Pathak.	Lodda, Ranibandh	800	6.27	90
65.	Sri Ramnidhi Patra ..	Jhari, Ranibandh	1,000	3.70	55

Serial No.	Names of recipients of land improvement loans.	Address.	Amount advanced.	Area of the land improved.	Approximate yield from the lands improved.
1			4	5	6
			Rs.	Acres.	Maunds.
66.	Sri Ashutosh Gope Mondal.	Sarenga, Ranibandh ..	800	2	30
67.	Sri Upendra Nath Molik.	Khutekata, Krishnagar ..	1,500	8	120
68.	Sri Basanta Kumar Mondal.	Tung Charar, Ranibandh ..	1,000	3.88	55
69.	Sri Gopeswar Bhatta-charji.	Ambikanagar, Ranibandh ..	160	1.13	16
70.	Sri Bhabatosh Chatterji	Ditto ..	160	1.48	50
71.	Sri Prahallad Ch. Pathak, Sambhu Ch. Pathak.	Lipidiri, Ranibandh ..	400	2.34	35
72.	Sri Chakradhar Barat Modak.	Chirkunkanali, Ranibandh ..	120	.42	5
73.	Sm. Parul Rani Sarkar, wife of Sri Pranoy Kr. Sarkar.	Jhimili, Ranibandh. ..	800	2.23	32
74.	Sm. Sindhubala Debye	Ambikanagar, Ranibandh ..	200	1.11	15
75.	Sri Gostha Behari Sen, Sri Gobind Ch. Sen.	Rajakata, Ranibandh ..	800	2.63	40
76.	Sri Lakhiram Sardar ..	Kalabani, Ranibandh ..	200	.63	10
77.	Sri Rahini Mohan Mahata.	Kotro, Ranibandh ..	700	2.59	38
78.	Sri Rakhahari Sen ..	Birkham, Ranibandh ..	2,000	7.00	105
79.	Sri Tripura Manjhi ..	Banipan, Ranibandh ..	560	1.33	20
80.	Sri Saktipada Kundu ..	Rajagram, Bankura ..	750	1.64	25
81.	Sri Bibhuti Bh. Das ..	Bankura ..	1,000	3.50	52
82.	Sri Santosh Kr. Chatterji.	Pathakpara, Bankura ..	560	3.00	45
83.	Sri Habu Mandal, Ramapada Mandal, Narugopal Mandal.	Nekragoria, Bankura ..	500	2.00	30
84.	Sri Shyam Manjhi ..	Dhagoria, Bankura ..	128	2.11	30
85.	Sri Brindaban Kundu ..	Bankura, Bankura ..	400	1.48	20
86.	Sri Pravakar Chakravarty.	Village Tongabasa, Bankura ..	100	.34	5
87.	Sri Sarat Chandra Banerji.	Junbedia, Bankura ..	320	1.88	25
88.	Sri Jogendra Nath Nandi.	Bankura, Bankura ..	200	.65	10
89.	Sri Mathur Ch. Dhua ..	Ditto ..	400	1.33	20
90.	Sri Nagendranath Singh, Sri Dubendranath Singh.	Nutanchati, Bankura ..	500	2.72	40
91.	Sri Sisir Kumar Adharjya.	Pathakpara, Bankura ..	600	4.38	65
92.	Sri N. J. Savaria ..	Bankura ..	750	20.50	200
93.	Sri Bhusan Ch. Mandal, Sri Bishnupada Mandal.	Gaira, Bankura ..	480	3.00	45

Serial No.	Names of recipients of land improvement loans.	Address.	Amount advanced.	Area of the land improved.	Approximate yield from the lands improved.
1		3	4	5	6
			Rs.	Acres.	Maunds.
94.	Sm. Madhumati Dasi, wife of Sri Panchanan Nandi.	Ketardanga, Bankura ..	300	2.72	40
95.	Sri Panchanan Banerji	Noongola Road, Bankura	400	2.59	40
96.	Sri Gobardhan Modak	Sarenga, Raipur ..	100	1.66	25
97.	Sri Nandalal Mahata, Sri Rajendralal Mahata.	Kejurbedia, Raipur ..	200	1.00	15
98.	Sri Rajendralal Sahu ..	Taldihi, Raipur ..	100	.12	2
99.	Sri Gouanga Ch. Sarkhel.	Ditto ..	280	2.16	30
100.	Sri Ramdas Murmu ..	Belyakola, Raipur ..	320	1.42	20
101.	Sri Rati Ranjan Mandal, Sri Gourhari Mandal, Sri Bunkin Ch. Mandal, Sri Rajaram Mandal.	Sonargara, Raipur ..	400	2.74	40
102.	Sri Satya Kinkar Mondal.	Sirmonipur, Raipur ..	80	.16	2
103.	Sri Narahari Mandal ..	Raidi, Raipur ..	300	1.91	25
104.	Sm. Mongali Santalini ..	Sarenga, Raipur ..	120	1.75	25
105.	Sri Gobinda Dhibar, Sri Prem Dhibar, Sri Hem Dhibar.	Chhota Metyala, Khatra.	560	1.26	20
106.	Haripada Patra ..	Nachankonda, Taldangra.	560	3.00	45
107.	Sri Rashna Kanta Ghosh	Nachna, Taldangra..	240	1.89	25
108.	Sri Haripada Ghosh ..	Ditto ..	120	.18	3
109.	Sri Sitikanta Ganguli	Khanta, Gangajalghati ..	560	3.70	25
110.	Sri Purna Ch. Singh ..	Tarapur, Mejhia ..	800	3.66	55
111.	Sri Bholanath Bhattacharji, Sri Banikanta Bhattacharji.	Ditto ..	1,200	3.63	55
112.	Sri Bijoy Nath Pal ..	Gopalganj (Mejhia), Mejhia.	640	1.77	25
113.	Sri Banshidhar Dubay	Salma, Saltora. ..	800	5.29	75
114.	Sri Gopal Sardar ..	Rajakata, Ranibandh ..	600	3.83	55
115.	Sri Chimbash Mahata ..	Garrah, Ranibandh ..	400	3.33	50
116.	Sri Sudhir Ch. Dey ..	Ambikanagar, Ranibandh	400	2.74	40
117.	Sri Sripatilal Sahu ..	Ditto ..	400	1.61	25
118.	Sri Sukdeb Mandi ..	Hakimsina, Ranibandh ..	200	.45	6
119.	Sri Kalipada Mahapatra	Dhanara, Ranibandh ..	300	1.65	25
120.	Sri Harihar Panda and another.	Brahamandhi, Indpur ..	500	2.80	40
121.	Sri Sadhu Charan Biswas and another.	Ratanpur, Onda. ..	100	.52	8
122.	Rampada Mahapatra ..	Ekarya, Onda ..	160	1.30	15
123.	Sri Gobind Ch. Ghosh	Gopalpur, Onda ..	200	1.56	25
124.	Sri Mohan Ch. Sen and others.	Petyakana, Onda ..	200	.67	10
125.	Sri Kulada Prasad De	Jamtora, Chhatna ..	640	3.10	45
126.	Sri Barada Prasad De	Ditto ..	640	3.09	45

Serial No.	Names of recipients of land improvement loans.	Address.	Amount advanced.	Area of the land improved.	Approximate yield from the lands improved.
1		2	4	5	6
			Rs.	Acres.	Maunds.
127.	Sri Dhukshit Chowdhury.	Lal Chhatna, Chhatna	.. 560	1.85	25
128.	Sri Kalipada Rakshit	Palla, Chhatna	.. 320	.34	5
129.	Sri Balaram Kar	Ekachali, Chhatna	.. 400	1.54	25
130.	Atul Ch. Singha and another.	Jamtora, Chhatna	.. 500	1.40	20
131.	Sri Kalipada Mahata	Haridihi, Chhatna	.. 1,600	6.22	Tank. Mda.
132.	Sri Kripamoyee Debi	Jamtora, Chhatna	.. 120	.50	7
133.	Sri Mohar Ch. Kundu	Kantapahari, Chhatna	.. 600	.65	10
134.	Sri Bhusan Ch. Mahato	Mayana, Chhatna	.. 800	3.33	50
135.	Sri Gada Manjhi	Ditto	.. 800	3.33	50
136.	Sri Girish Mandal and another.	Bagjuri, Chhatna	.. 750	2.91	45
137.	Sri Nalini Kanta Banerji.	Nischundipur, Chhatna	.. 400	3.12	45
138.	Sri Bibhuti Musib.	Bhusan Metyala Chhatna	.. 500	2.00	30
139.	Sri Charu Ch. Kar and another.	Salchora, Chhatna	.. 750	2.22	30
140.	Sri Kali Charan Kar	Ditto	.. 1,000	5.00	75
141.	Sri Pachanan Goswami	Chhatna, Chhatna	.. 800	2.00	30
142.	Sri Nimai Mandal	Keshra, Chhatna	.. 500	.90	12
143.	Sri Gopeswar Mandal	Ditto	.. 800	5.00	75
144.	Sri Rash Behari Layek	Layekdihi, Chhatna	.. 500	1.00	Tank. Mda.
145.	Sri Jogan Manjhi and another.	Ampahari, Chhatna	.. 160	.26	3
146.	Sri Paran Ch. Banerji	Nischundipur, Chhatna	.. 300	1.25	18
147.	Sri Sagar Bouri and another.	Ampahari, Chhatna	.. 240	1.48	20
148.	Sri Kulendu Prasad Bhandari.	Metyala, Chhatna	.. 200	1.17	15
149.	Sri Kiran Ch. Chatterji	Jorchira, Chhatna	.. 480	3.00	45
150.	Magaram Musib	Metyala, Chhatna	.. 240	1.00	15
151.	Sri Kanai Layek	Bankati, Chhatna	.. 100	.60	8
152.	Sri Madan Mohan Mandal.	Kesra, Chhatna	.. 300	2.00	30
153.	Sri Madan Mohan Kaviraj.	Chhatna, Chhatna	.. 120	.54	8
154.	Sri Jyotmal Kar	Chhatnapalla, Chhatna	.. 400	2.59	33
155.	Sri Durgadas Mukherji and another.	Phulberia, Chhatna	.. 360	1.19	16
156.	Sri Dibakar Bhandari and another.	Metyala, Chhatna	.. 300	1.00	15
157.	Sri Gobinda De and others.	Baliguma, Chhatna	.. 400	1.66	25

Serial No.	Names of recipients of land improvement loans.	Address.	Amount advanced.	Area of the land improved.	Approximate yield from the lands improved.
1	2		4	5	6
			Rs.	Acres.	Maunds.
158.	Sm. Radhamati Debi ..	Phulberia, Chhatna ..	320	2.00	30
159.	Sri Phelaram Layek ..	Layekdihi, Chhatna ..	302	2.10	30
160.	Sri Sridhar Ch. Das ..	Jirrah, Chhatna ..	150	1.00	15
161.	Sri Ananga Mohan Bakshi and others.	Chhatna, Chhatna ..	120	.67	10
162.	Sri Kiran Ch. Mandal	Surigaria, Ranibandh ..	80	.33	5
163.	Sri Bonwarilal Marwari	Mejhia, Mejha ..	200	1.00	15
164.	Sri Durgapada Roy ..	Ardhagram, Mejhia ..	100	1.00	15
Total ..			86,548.	382.71	5,393

### Adjournment motion.

**8j. HARIPADA CHATTERJEE:** মাননীয় সভাপাল মহাশয়, আমি একটা মূলত্বীয় প্রস্তাবের নোটিশ দিয়াছিলাম—রাণাঘাটে স্বেচ্ছেনেত্রে ৮৬ জন বিচার্যবীন বন্দীদের উপর লাঠি charge করা হয়েছিল। বিষয়টি খুব গুরুত্বপূর্ণ, অস্বাভাবিক এবং অন-স্বাভাবিক। কিন্তু এখনও পর্যন্ত আপনার সম্মতি পাইনি।

আমি প্রধান মহী মহাশয়ের এই বিষয়টির প্রতি দৃষ্টি আকর্ষণ করছি। যেখানে মাত্র ৯ জন লোকের থাকবার ব্যবস্থা আছে, সেখানে ৮৬ জনকে রাখা হয়েছে এবং আরও ১৮ জন বন্দীকে সেখানে রাখবার জন্য চেষ্টা হয় এবং তার প্রতিবাদ করায় সেখানকার জেল কর্তৃপক্ষ তাদের উপর লাঠি charge করে। এই ঘটনা সৈনিক সংবাদপত্রে বেরিয়েছে এবং এ নিয়ে সমস্ত দেশে একটা আন্দোলন হয়েছে। সুতরাং আমি মাননীয় প্রধান মহী মহাশয়ের এই দিকে দৃষ্টি আকর্ষণ করছি, তিনি এই পরিঘটে একটা বিবৃতি দিলে খুশী হব।

### GOVERNMENT BILL.

#### The Calcutta University Bill, 1951.

**8j. KANAI LAL DE:** মাননীয় সভাপাল মহাশয়, কলিকাতা বিশ্ববিদ্যালয় সংস্কারার্থে যে বিল উপস্থাপন করা হয়েছে, এবং Select Committee'র কাছ হ'তে যে বিল এসেছে সেই বিল লক্ষ্যে অনেক কিছু আলোচনা আমাদের স্ববিজ্ঞ সভ্যরা করেছেন।

কলিকাতা বিশ্ববিদ্যালয়কে যে সংস্কার করা অত্যন্ত প্রয়োজন সে বিষয়ে মতভেদ নেই। কিন্তু বিশ্ববিদ্যালয় সংস্কার লক্ষ্যে সরকারের যে বিরোধী মনোভাব তা আমি গ্রহণ করতে পারি না। যে বিলটি প্রথমে উপস্থাপন করেন, Select Committee'তে সেই বিলের অনেক পরিবর্তন হয়েছে। Select Committee থেকে যা মন্তব্য হ'য়ে বেরিয়েছে তা আমাদের কাছে প্রচার করা হয়েছে, তা লক্ষ্যে সরকার পক্ষ থেকে অনেক নতুন নতুন amendment দেওয়া হয়েছে। সরকার পক্ষ থেকে প্রথম এক দফা amendment দেওয়া হয় এবং তারপরও আবার amendment দেওয়া হয়। এই বিষয়ে সরকারের একটা দৃঢ় নীতি অবলম্বন করা প্রয়োজন এবং কিভাবে তাঁরা বিলটি আইনে পরিণত করতে চান তার একটা সম্পূর্ণ দৃষ্টিকোণ ধাকা উচিত।

কলিকাতা বিশ্ববিদ্যালয় আমাদের দেশে ঋষিচর্চা শিক্ষা প্রতিষ্ঠান, এবং আমাদের রাষ্ট্রে যে শিক্ষা প্রদত্ত হ'বে তা নির্ধারণ করবার দায়িত্ব কলিকাতা বিশ্ববিদ্যালয়ের উপর সম্পূর্ণভাবে নির্ভর করছে। আমাদের দেশ যখন পরাধীন ছিল, বিশ্ববিদ্যালয় তখন জাতীয় শিক্ষার উপযোগীভাবে গঠিত হয় নি এবং মানুষ ভৈরী করবার যে উপযুক্ত শিক্ষা ও জ্ঞান বিচারের জন্য বা প্রয়োজন বিশ্ববিদ্যালয় সরূপ ব্যবস্থা করতে পারেন নাই। তখন বিদেশী রাষ্ট্রের

‘কাজ চলার জন্য দেশের লোককে কিছু কিছু ইংরাজী শিখান হ’ত। কিন্তু এখন আমরা স্বাধীন হয়েছি। পৃথিবীর অন্যান্য দেশের যুবকদিগকে যে রকমভাবে জাতীয়ভাবে উদ্ভুদ্ধ ক’রে জ্ঞান-বিজ্ঞানে সন্নিবিষ্ট করে শিক্ষা দেওয়া হয় তার কলে তারা নিজেদের মধ্যে যে প্রতিভা ও শক্তি থাকে তার উন্মেষ সাধন করতে পারে; আমাদের বিশ্ববিদ্যালয়ে সেই রকমভাবে শিক্ষার ব্যবস্থা হয় না। এজন্য আমাদের বিশ্ববিদ্যালয়ের আইন যে রকমভাবে পরিবর্তন করা দরকার, তা ঠিকরতে হবে, কিন্তু আমরা ঠিকভাবে সেই পথ অবলম্বন করতে পারি নাই। এদিকে আমরা আংশিকভাবে কিছু দৃষ্ট দিইছি মাত্র কিন্তু সম্পূর্ণভাবে দৃষ্ট দিতে পারিনি। পাশ্চাত্য দেশে যে সমস্ত বিশ্ববিদ্যালয় আছে, সেই সমস্ত বিশ্ববিদ্যালয় যেভাবে পরিচালিত হয়, এবং আমাদের প্রাচীন ভারতবর্ষে যেভাবে বিশ্ববিদ্যালয় পরিচালিত হ’ত ও দেশে জ্ঞান বিস্তারের সাহায্য করতো সে দিকে সজাগ দৃষ্ট রেখে বর্তমান কালোপযোগী করে বিশ্ববিদ্যালয় সংস্কার করা উচিত ছিল।

আমাদের বর্তমান সরকার নায়েই লোকায়ত্ত প্রজাতন্ত্র সরকার। এই সরকারের সর্বদিক দিয়ে ক্ষমতা অধিকার করবার একটা ধারণা লোভ দেখা যাচ্ছে এবং এটা তাঁদের একটা মারাত্মক নেশা বলা যেতে পারে। যেমন কলিকাতা মিউনিসিপ্যালিটি, ডিস্ট্রিক্ট বোর্ড, মিউনিসিপ্যালিটি, প্রভৃতি সকল জায়গায় সরকার তাঁর প্রতাপপত্তি বজায় রাখবার চেষ্টা করছেন—সেই রকম কলিকাতা বিশ্ববিদ্যালয়ের ক্ষেত্রেও সে চেষ্টা প্রকটিত হয়েছে। তাঁরা যে ডাইন-চ্যান্সেলার নিযুক্ত করবার ব্যবস্থা করেছেন তাতে বলা হয়েছে যে, চ্যান্সেলার, ডাইন-চ্যান্সেলার নিযুক্ত করবেন শিক্ষামন্ত্রীর সঙ্গে পরামর্শ করে; চ্যান্সেলার ডাইন-চ্যান্সেলার নিযুক্ত করবেন। এরজন্য শিক্ষামন্ত্রীর সঙ্গে পরামর্শ করবার কি প্রয়োজন আছে তা আমি জানি না। আমাদের দেশে যে নমুনা দেখছি তাতে এমন একজন লোক শিক্ষামন্ত্রী হতে পারেন যার শিক্ষা সম্বন্ধে কোন যোগ্যতা নেই।

তারপর আবার কোন্ পাঠ কখন গভর্ণমেন্ট হাতে নেবেন তার ঠিক নেই, সুতরাং কোন্ মতাবলম্বী ব্যক্তি শিক্ষামন্ত্রী হবেন তারও কোন ঠিক নেই। ডাইন-চ্যান্সেলার যদি শিক্ষামন্ত্রীর পরামর্শক্রমে নিযুক্ত হন, তাহলে ডাইন-চ্যান্সেলারের স্বাধীনতা অনেকখানি স্বর্ষ হতে পারে। যিনি এইভাবে কলিকাতা ইউনিভার্সিটির ডাইন-চ্যান্সেলারের পক্ষে নিযুক্ত হবেন তিনি কখনও গভর্ণমেন্টের বিরাগাজন হ’তে চাইবেন না। কারণ বেতনভোগী ডাইন-চ্যান্সেলারের দ্বিতীয়বার নিযুক্ত হবার ইচ্ছা থাকা স্বাভাবিক এবং তিনি সর্বদা চেষ্টা করবেন গভর্ণমেন্টের নির্দেশনাত চলতে। সুতরাং সেখানে তিনি স্বাধীনভাবে কাজ করতে পারবেন না এবং এর ফলে শিক্ষা-ক্ষেত্রে স্বাধীনতা প্রতিষ্ঠিত হবে না।

এই ধারাটা শিক্ষানুষ্ঠানের অনুকূল নয়, এবং শিক্ষার ক্ষেত্রে একটা স্বাধীনতা থাকা উচিত। অতএব আমার মতে এই ধারাটা তুলে দেওয়া উচিত। শিক্ষাব্যবস্থা কতকগুলি প্রধান শিক্ষাবিশেষের উপর সম্পূর্ণ ছেড়ে দেওয়া উচিত এবং যাতে তাঁরা দেশের সকলের জন্য সম্পূর্ণ স্বাধীনভাবে কাজ করতে পারেন সে দিকে দৃষ্ট দেওয়া উচিত। গত কয়েক বৎসরে কলিকাতা বিশ্ববিদ্যালয়ের যে সমস্ত দুর্নীতিপূর্ণ কলঙ্কময় অধ্যায় আমাদের সামনে উদ্ঘাটিত হয়েছে তা অতীব লজ্জাজনক, অস্বীকার করা যায় না; কিন্তু তাই বলে তার সমস্ত স্বাধীনতা হরণ করা হবে এরকম চেষ্টা করাও সমীচীন নয় ও বিশ্ববিদ্যালয়কে একটা সরকারী bureauতে পরিণত করাও উচিত নয়। কলিকাতা বিশ্ববিদ্যালয়কে সংস্কার করবার জন্য যে রকমভাবে বিল আনা উচিত ছিল, ঠিক সেই দৃষ্টিকোণ থেকে দেখে এই বিল আনা হয় নাই। অবশ্য শিক্ষার মান কি হবে সেটা Syndicate ঠিক করবেন বটে, কিন্তু Cambridge এবং Oxford ইত্যাদি পাশ্চাত্য Universityতে যে standard শিক্ষা দেওয়া হয়, আমাদের Universityর শিক্ষার মানও সেইভাবে উন্নত করার ব্যবস্থা এই আইনে থাকা উচিত ছিল। Radhakrishnan Enquiry Committee শিক্ষা সম্পর্কে যে সমস্ত ভাল recommendation দিয়াছিলেন, এই বিলে সে recommendationগুলি নেওয়া হয়নি। Vice-Chancellorএর নিয়োগ সম্বন্ধে তাঁরা যে রিপোর্ট দিয়েছিলেন সেটা নেওয়া উচিত ছিল, কিন্তু দুঃখের বিষয় সেটা তাঁরা নেননি। সব দিক থেকে বিলটিকে যদি আরও একটু পরিবর্তিত ও অনারকমভাবে recast করা হয়, তাহলে ইউনিভার্সিটির পক্ষে ও বাংলা দেশের পক্ষে বঙ্গল হবে, আমি বিশেষভাবে শিক্ষামন্ত্রীর এবং আমাদের সরকারের এই দিকে দৃষ্ট আকর্ষণ করতে চাই।

আর একটা কথা বলবার আছে; বিশ্ববিদ্যালয়কে অর্থ সম্বন্ধে সম্পূর্ণ স্বাভাব্য দেওয়া প্রয়োজন। আমাদের সরকার ইতিপূর্বে বছরে বছরে যে পরিমাণ টাকা বরাদ্দ করতেন তা সমস্তটা বিশ্ববিদ্যালয় পেত না এবং এই টাকা দেবারও এমন সব সঙ্কট থাকত যার ফলে বিশ্ববিদ্যালয়ের স্বাধীনতা ক্ষুণ্ণ হ’ত। এই বিলে বিশ্ববিদ্যালয়কে যে statutory grant দেবার ব্যবস্থা হয়েছে তা বর্তমানে বিশ্ববিদ্যালয়ের প্রয়োজনের তুলনায় অসুচর। আমি এই grant

বুজির প্রস্তাব ক'রে যে amendment দিয়াছিল তা আমাদের বানানীর সভাপতি মহোদয়ের অগ্রাহ্য করেছেন। আমি সরকারের পুনরায় এ বিষয়ে দৃষ্ট আকর্ষণ করছি, তাঁরা যে ১৬ লক্ষ টাকা statutory grant কলিকাতা বিশ্ববিদ্যালয়কে দেবার জন্য ব্যবস্থা করেছেন তা খুব কম, অন্তত ২০ লক্ষ বা আরও কিছু বেশী টাকা হলে ভাল হয়। কলিকাতা বিশ্ববিদ্যালয়কে যদি ভালভাবে কাজ করতে হয় তাহ'লে তাঁর আর্থিক অবস্থার উন্নতি হওয়া দরকার। কলিকাতা বিশ্ববিদ্যালয়ের অনেক কাজ অর্থের অভাবে অসম্পূর্ণ থেকে যায়।

কলিকাতা বিশ্ববিদ্যালয়ের মত একটা শিক্ষা প্রতিষ্ঠানের অর্থ সংগ্রহ করবার জন্য সাধারণ ব্যবসায়ীমূলভ মনোভাব অত্যন্ত অশোভনীয়। আমি পূর্বে বলছি এখন আবার বলছি বই ছাপিয়ে profiteering করবার মনোবৃত্তি অত্যন্ত নিশ্চর। Matriculation Poetry Selectionএর সাত্র ২৬ পাতার একখানা বই ছাপিয়ে তাঁরা ১১১০ টাকায় বিক্রি করেন। এই বইয়ের দাম ১০০ আনার বেশী হওয়া উচিত নয়। অর্থপুত্রক না কিনলে এই সব বই বাজারে সহজে পাওয়া যায় না। টাকা সংগ্রহ করবার জন্য বাধ্য হয়ে Universityকে এই সমস্ত ধীন কাজ করতে হয়। সুতরাং University শিক্ষা বিভাগের দিকে চোঁট না দ'য়ে, যদি তাকে খালি অর্থ সংগ্রহের দিকে মন দিতে হয় তাহ'লে তাকে দোকানদারী বা ব্যবসায়দারী করতেই হবে,—এটা অত্যন্ত নিশ্চর। যদিও কলিকাতা বিশ্ববিদ্যালয় বহু জ্ঞান বিভাগের বই প্রকাশ করেছেন কিন্তু ছাত্রদের বইয়ের বেলায় তাঁরা অত্যন্ত নিষ্কর এবং নির্দয়ভাবে বইয়ের মূল্য বৃদ্ধি করেছেন। এতে করে তাঁরা ছাত্র সমাজের এবং অভিভাবক বা জনসাধারণের শ্রদ্ধা হারিয়েছেন। সেবা যায় examination fees অত্যন্ত বাড়িয়ে দিয়েছেন এবং নানা অছিলার সামান্য কিছু করতে হ'লেই ছাত্রদের কাছ থেকে মোটা fee charge করেন। এইরূপ ব্যবসায়দারী নীতি বিশ্ববিদ্যালয়ের পক্ষে অত্যন্ত নিশ্চর।

যেখানে আমাদের শিক্ষাবিভাগের ব্যবস্থা ক'রে দেশের কল্যাণ করতে হবে, দেশের উন্নতি করতে হবে, পার্শ্বনিক গবেষণা, বৈজ্ঞানিক গবেষণা প্রভৃতির দ্বারা দেশের ছাত্রদের জ্ঞানভাণ্ডার সমৃদ্ধ করতে হবে সেখানেই Governmentএর মুক্তহস্তে অর্থ সাহায্য করা উচিত। তা না ক'রে Government অন্যদিকে অল্প অর্থ অপব্যয় করে চলছেন। দেশে জ্ঞানবিস্তার ও শিক্ষার উন্নতির জন্য বিশ্ববিদ্যালয়কে টাকা দিতে কার্পণ্য না ক'রে যথাযোগ্য সাহায্য করা কর্তব্য। বিশ্ববিদ্যালয়কে সরকারের নিয়ন্ত্রণের বাইরে রেখে স্বাবলম্বী ক'রে যাতে শিক্ষার মানের পুঙ্ক্ত উন্নতি হয় তৎপুতি Governmentএর দৃষ্ট দেওয়া উচিত। আর কোন দিক দিয়ে যদি বিশ্ববিদ্যালয়ের মধ্যে corruption আসার সম্ভাবনা ঘটে তবে সেই corruption যাতে আশ্রিত না পারে, এমন ব্যবস্থা করা দরকার। এই বলেই আমার বক্তব্য শেষ করছি।

**DR. SURESH CHANDRA BANERJI :** বানানীর শ্রীকার মহোদয়, এই বিল সম্বন্ধে যা বলার ছিল প্রায় সকল কথাই বলা হয়েছে। আমার বিশেষ কিছু বলার নাই। আমি শুধু on a point of personal explanation কয়েকটি কথা বলতে চাই। এই বিলের introductionএর পর যেই আলোচনা হয় তাতে আমি কাশী বিশ্ববিদ্যালয় সম্বন্ধে অনেক কথা বলেছিলাম। তার থেকে অনেকের মনে এই ভ্রান্ত ধারণার সৃষ্টি হয়েছে যে, আমি চাই সেইভাবে আমাদের দেশে বর্তমান শিক্ষাপদ্ধতি প্রবর্তিত হোক। কিন্তু তা নয়। আমার বলবার প্রধান কথা ছিল কাশী বিদ্যালয়ে যেই পদ্ধতিতে শিক্ষা দেওয়া হয়, শিক্ষাদানের যেই পদ্ধতি বহু দিন থেকে ভারতবর্ষে চলে আসছে তার বর্ণনামাত্রই তাই, কি? কারণ স্বাধীনতা লাভের পর আমরা যখন শিক্ষা সম্বন্ধে আইন প্রণয়ন করছি—সেই সময় আমাদের ভালভাবে ভেবে দেখা উচিত আমাদের পূর্বপুরুষেরা কি ভেবেছিলেন এই শিক্ষা সম্বন্ধে এবং সেই কথাটা মনে হওয়াতেই কাশীর দিকে আমার দৃষ্ট দ্বার এবং সেইজন্যই আমি কাশীর কথা বলি। আমি এটা শ্রুমাণ করতে চেয়েছিলাম যে, কাশী বিশ্ববিদ্যালয়ে শিক্ষা পদ্ধতিতে স্বাধীনতার উপরই বিশেষ জোর দেওয়া হয়েছে। কাশীর পণ্ডিতেরা, অধ্যাপকেরা বহু দিন যাবৎ সম্পূর্ণ স্বাধীনভাবে কারও সুখাপেক্ষী না হয়ে শিক্ষা দিয়ে আসছেন। সুতরাং বিশ্ববিদ্যালয়ের autonomy ও স্বাধীনতাকে Governmentএর হস্তক্ষেপ থেকে রক্ষা করাই কাশীর প্রাচীন শিক্ষাপদ্ধতির বর্ণনামাত্রই এই কথাটাই সেদিন আমি বলতে চেয়েছিলাম। যেই কমিশনকে ভিত্তি করে এই বিলটি রচিত হয়েছে সেই কমিশনও বিশ্ববিদ্যালয়ের স্বাধীনতার উপর বিশেষ জোর দিয়েছেন। Commissionএর reportএর ৪৫০ পৃষ্ঠার দেখা হয়েছে—

We feel that the autonomy and the independence of Universities in general is a matter which should be the concern not merely of the

Universities but of the Government and of the public in general. Universities can play a great role only if it is appreciated both by the public and the Government that they function as autonomous units and are free to develop well-established standards uncontrolled and uninfluenced by the changing waves of democratic passion.

যেই আদর্শ আমরা পূর্বপুরুষদের কাছ থেকে পেয়েছি এই স্বাধীনতাই তার মর্মকথা। সুতরাং এই বিলাটকে বিশেষ করে সেই স্বাধীনতার দিক থেকেই বিচার করব।

বাইরে থেকে দেখতে গেলে মনে হয় এই আইনে বিশ্ববিদ্যালয়কে খুব স্বাধীনতা দেওয়া হয়েছে। ১৯০৪ সালের আইন অনুসারে অধিকাংশ সভ্য ছিলেন মনোনীত, কিন্তু এখন অধিকাংশ সভ্যই হলেন নির্বাচিত। কাজেই এই আইন চালু হলে Universityতে democracy বা গণতন্ত্র প্রতিষ্ঠিত হবে অপাতদৃষ্টিতে তাই মনে হবে। কিন্তু তা সত্য নয়। All that glitters is not gold; সোণার মত দেখালেই সোণা হয় না। আমাদের শিক্ষান্বী রায় হরেন্দ্র নাথ চৌধুরী মহাশয়ের বিশেষ গুণ আছে—তিনি এক হাত দিয়ে যা দেন অন্য হাত দিয়ে তা নিতে জানেন—What is given by one hand is taken away by another. এই যে একটা বিশেষ ক্ষমতা তিনি অর্জন করেছেন এটা Ejectin Billএই সমালোচনা কালে আমি বলেছি এবং এই বিল সম্বন্ধে আমি সেই কথা বলতে বাধ্য হচ্ছি। তিনি অবশ্য বলতে পারেন এই দেখুন democracy নিয়েছি, আগে কি ছিল, দ্বার এখন কি হয়েছে। কিন্তু আমরা জানি গণতন্ত্রের যারা কর্তার তাঁরা যদি গণতন্ত্রসম্মত উপায়ে নিযুক্ত না হন তাহলে গণতন্ত্র চলতে পারে না। যারা গণতন্ত্রে চালাবেন তাঁরা যদি গণতন্ত্রভাবাপন্ন না হন তাহলে ব্যবস্থা পরিষদে বিরোধী দলের সভোবা গণতন্ত্রমোচক যত সমালোচনাই করুন না কেন, গণতন্ত্রমোচক ভিতরের কথা কথামাত্র তারা জানতে পারবেন না এবং গণতন্ত্রমোচকের নীতি তারা কিছুমাত্র বদলাতে পারবেন না। গণতন্ত্রমোচকের সত্যিকারের পরিচালনা নির্ভর করে মন্ত্রীসভার উপর। মন্ত্রীরা যদি ঠিক হন, তাঁরা যদি গণতন্ত্রভাবাপন্ন হন তবেই democratic constitution চলতে পারে। তাঁরা যদি democratic-minded না হয়ে fascist-minded হন তবে Government in spite of apparent democratic constitution is bound to be fascist-minded.

এই University Bill সেই দিক থেকেই বিচার করতে হবে। বিশ্ববিদ্যালয়ের তিনটি প্রধান স্তম্ভ—এক গভর্নর, তিনি হচ্ছেন Chancellor, দুই Vice-Chancellor, আর তৃতীয় Treasurer—এই তিনজনের উপরই বিশ্ববিদ্যালয়ের ভবিষ্যৎ অনেকখানি নির্ভর করে। সুতরাং আমাদের বিচার করে দেখতে হবে যে, Chancellor কিভাবে appointed হবেন, Vice-Chancellor কিভাবে appointed হবেন এবং Treasurerই বা কিভাবে appointed হবেন।

নির্বাচিত কমিটির রিপোর্টে বলা হয়েছে যে, যেহেতু আমাদের tradition এই যে Governor Chancellor হন, সুতরাং সেই tradition নেনেই আমাদের Governorকে Chancellor করতে হবে। কিন্তু what is the meaning of this tradition? আমরা কি tradition inherit করেছি। আমরা যখন সম্পূর্ণ পরাধীন ছিলাম, দেশের শাসনব্যবস্থার উপর যখন আমাদের এতটুকু হাত ছিল না তখন যে tradition created হয়েছে, মন্ত্রী মহাশয় কি বলতে চান সেই tradition আমাদের মানতে হবে, শ্রদ্ধা করতে হবে। আমরা স্বাধীনতা লাভের পর এ ধরনের অনেক tradition পদদলিত করছি। যখন বিশেষী শাসন আমাদের উপর চেপে বসে ছিল তখন Chancellor ছিলেন আমাদের Governor. বিশ্ববিদ্যালয়ের উপর প্রভুত্ব চালানোর জন্য ইচ্ছা করেই সকল ক্ষমতা তিনি আপন হাতে রেখেছেন। কিন্তু Oxford ও Cambridgeএর tradition অন্যরকম। তাঁদের Chancellor তাঁরা নিজেরাই elect করেন। সুতরাং Select Committee's reportএ এই যে লিখা হয়েছে যেহেতু গভর্নর পদ বলে আগে Chancellor হতেন, সেহেতু গভর্নর এখনও পদ বলে Chancellor হবেন—By virtue of his position as Governor or Viceroy, he becomes the Chancellor of the Calcutta University—এই যে Governor shall be the Chancellor of the Calcutta University একথা বলা যাক না। নির্বাচিত কমিটির পক্ষে এরূপ রিপোর্ট দেওয়া বোকাটাই বদীচীন হয় নাই। Select Committee যদি এরূপ



রিপোর্ট দিত যে the Senate will elect the Chancellor তবেই ঠিক হত। তাহলে আমরা যে স্বাধীনতা লাভ করছি সেই স্বাধীনতার সম্মান রক্ষা করা হোত, বহু বিজ্ঞাপিত গণতন্ত্রী বর্ষাধা রক্ষা হুয়া হোত এবং বিশ্ববিদ্যালয়কে স্বাধীনতার পথে অনেকখানি এগিয়ে দেওয়া হোত। Vice-Chancellorএর নিয়োগ সম্বন্ধে বিশেষ করে বলা হয়েছে যে, Syndicate তিনটি নাম পাঠাবে এবং সেই নাম থেকে Chancellor in consultation with the Minister will appoint the Vice-Chancellor. আমাদের নুতন শাসনতন্ত্র অনুসারে Chancellor হবেন একজন অবাকালী স্বতরাং তাঁকে সম্পূর্ণরূপে শিক্ষামন্ত্রীর উপর নির্ভর করতে হবে—এবং তার ফলে শিক্ষামন্ত্রীর একজন প্রিয়পাত্র থাকে তিনি বলবেন নিযুক্ত করতে Chancellor তাঁকেই নিযুক্ত করবেন। So, the Vice-Chancellor will be practically a nominee of the Education Minister. স্বতরাং দেখা যাচ্ছে Chancellor তে Governor স্বয়ং হবেনই। Vice-Chancellor হবেন Governorএর nominated and the Treasurer will be appointed by the Chancellor; এবং এই ৩ জনকে কেন্দ্র করেই practically বিশ্ববিদ্যালয়ের সমস্ত department চলবে। স্বতরাং এই departmentগুলিও প্রকারান্তরে হবে department of the Government of West Bengal. কলিকাতার কর্পোরেশন বিলেও প্রায় এইরূপ ব্যবস্থা করা হয়েছে। কলিকাতা কর্পোরেশন সম্বন্ধে যেই বিল অর্জিছে তাতে কর্পোরেশনকে করা হয়েছে a department of the Government of West Bengal. এই বিলেও আমরা দেখতে পাচ্ছি, a similar attempt is being made to make the Calcutta University a department of the Government of West Bengal. আমি আগে বলেছি মন্ত্রী মহোদয় এক হাতে যা দিচ্ছেন অন্য হাত দিয়ে তা নিচ্ছেন কিন্তু এখন বন্ধে বাধা দিচ্ছে what has been given by one hand is being taken away not by one hand but two hands. কি করা উচিত ছিল আমি তা আগেই বলেছি—Chancellor ought to have been elected by the Senate and as for the Vice-Chancellor is concerned রাধাকৃষ্ণ Commission যা বলেছেন তাই করা উচিত ছিল—অর্থাৎ Syndicate will send one name এবং the Chancellor will be bound to accept that name and if the Chancellor কোনও কারণ বশতঃ cannot accept that name he will send back the name এবং আরেকটি নাম চেয়ে পাঠাবেন, কিন্তু—তিনি নিজে কোন নাম suggest করতে পারবেন না। On no account should he initiate and appoint. Treasurerএর নিয়োগ সম্বন্ধে যদি একরূপ ব্যবস্থা করা হত যে he will be appointed by the Chancellor on the recommendation of the Syndicate, তা গণতন্ত্রসম্মত হতো। তা না করায় Calcutta Universityকে department of the Government করা হয়েছে।

এ হচ্ছে আমার প্রধান বক্তব্য। আমার প্রিয় বন্ধু প্রফুল্ল ঘোষ মহাশয় যা বলেছেন এবং আরো অনেকে যে বলেছেন statutory grant সম্বন্ধে অর্থাৎ ১৬ লক্ষ টাকা বাৎসরিক grantএর বরাদ্দ Government বিশ্ববিদ্যালয়ের জন্য করেছেন, সেজন্য গভর্নমেন্টকে ধন্যবাদ জানাচ্ছি। কিন্তু এই ১৬ লক্ষ টাকা মোটেই পর্যাপ্ত নয়। আমি শুনেছি বিশ্ববিদ্যালয় চেয়েছে ২০ লক্ষ টাকা। সেই ২০ লক্ষ টাকাই বিশ্ববিদ্যালয়কে দেওয়া উচিত ছিল। আমার প্রিয় বন্ধু প্রফুল্ল চন্দ্র ঘোষ মহাশয় আরও পাঁচ লক্ষ টাকা—মোট ২৫ লক্ষ টাকা বিশ্ববিদ্যালয়কে statutory grant রূপে দেওয়ার জন্য বলেছেন। মুখ্যমন্ত্রী মহাশয় বলছেন আমিতো দিতে চাই কিন্তু টাকা পাব কোথা থেকে; তিনি বলেছেন poor industrialistরা নানাভাবে বিভিন্ন ব্যাপারে টাকা দিচ্ছে, তারা আর কত দিবে? সঙ্গে সঙ্গে তিনি যদি বলে দিতেন গত দুই তিন বৎসরে industrialistরা বিভিন্ন শিক্ষা প্রতিষ্ঠান ও হাসপাতালে কত টাকা দিয়েছেন, তাহলে আমি খুশী হতাম। আমি জানি এই দু'তিন বছরে industrialistরা নানা উপায়ে পুঁচুর লাভ করেছেন। লাভের ব্যাপারে তারা লাল ঘে বাচ্ছেন। কোটা কোটা টাকা নানা ব্যাপারে লাভ করেছেন অর্থাৎ কয় টাকা যে তাঁর হাসপাতালে দিয়েছেন ৫ লাভাই জানবার বিষয়। Lake হাসপাতালতো উঠেই যাচ্ছে টাকার অভাবে। মুখ্যমন্ত্রী মহাশয় বলছেন যে বিশ্ববিদ্যালয়কে ২৫ লক্ষ টাকা ইচ্ছা থাকে সম্বন্ধে দিতে পারবেন না কারণ টাকা নাই। মুখ্যমন্ত্রী মহাশয় যদি যা করে বলেন—এই poor industrialistরা educational এবং medical institutionএর জন্য কত টাকা রেছেন এই তিন বছরে—জার একটা figure যদি বেন তাহলে তখন খুশী হতাম। অনুমোদন করছি

Government যেন এই বিষয়ে চেষ্টা করেন। ২৫ লক্ষ টাকা ১৬ লক্ষ টাকা তো বরাদ্দ হয়েছেই। বাকী ৯ লক্ষ টাকা কলিকাতার বড় বড় শহর হতে তোলা বিশেষতঃ গভর্নমেন্টের খুব কষ্টকর নয়। সুতরাং আবার বিশেষ অনুরোধ গভর্নমেন্ট যেন এই grant ১৬ লক্ষ টাকার আয়গায় ২৫ লক্ষ টাকা করে দেন।

**Janab Syed BADRUDDUJA:** Mr. Speaker, Sir, I have been greatly benefited by the observations of two of the eminent leaders of West Bengal, namely, the Hon'ble the Chief Minister of the province and our esteemed friend Dr. Prafulla Chandra Ghosh. Unfortunately, I missed the observations of the Chief Minister yesterday. But from the report it appears that the Hon'ble the Chief Minister congratulated his colleague the Hon'ble Education Minister when he observed that for the first time after 47 years the Hon'ble Education Minister introduced a Bill before this House—a Bill which contemplates certain salutary changes in the constitution and the administrative working of the University of Calcutta. Sir, we appreciate and welcome changes in the University of Calcutta—changes which have been long long overdue. Sir, as the Hon'ble Chief Minister has rightly observed, from 1904 attempts have been made to amend the constitution, but it could not be changed or modified in consonance with the requirements of the fast advancing community for some reason or other. Even the recommendations of the Sadler Commission of 1918, which were accepted and carried into effect by some of the Universities of India could not be given effect to by the University of Calcutta, although the Commission was primarily meant for the University of Calcutta; and no less a personality than Sir Ashutosh Mookerjee contributed to the deliberations of that august body. But changes are there, and whatever changes of a beneficial character are sought to be introduced in the proposed Bill must be welcomed and must be appreciated at their true value. Sir, I entirely agree with the members on this side when they say that the University must be made financially self-sufficient, and the quality of education must be improved. In order to improve the quality of education in order to improve it in all its aspects—primary, secondary and University—it is necessary that there must be a consistent and integrated system. And for this sufficient funds have got to be provided, especially for improvement of the quality of education under the University of Calcutta. Rs. 16 lakhs seems rather insufficient for the purpose. More money should be provided. As a matter of fact, the system of education which has been imparted so far has not made us quite fit for the struggle for existence. It is no use turning out graduates in thousands and making them unfit for this struggle. It is no use making them so many inefficient people, who sometimes faced with the struggle for existence, find it difficult to eke out even a miserable existence. So, it is in the fitness of things that the Government of West Bengal should come forward to provide more money. As my esteemed friend Dr. Suresh Chandra Banerji has rightly pointed out, at least Rs. 25 lakhs for the present should be provided to put the quality of University education on a sound and solid foundation.

Then, Sir, education in order to be more effective and useful must take note of the needs and requirements of the fast advancing community; that education which does not provide careers and opening in life for our youths is useless. We have heard of theoretical education; we have imparted theoretical education so far. You will be amazed to learn, you will be shocked to learn, Sir, that there are graduates today who cannot earn even what a cooly on the street earns at the present moment. This, Sir, is not merely lop-sided, this is not merely one-sided, this is not merely defective, this is not merely inconsistent, but it is incompatible with the needs and requirements of students who are practically wandering about in thousands today for employment. The other day I came across a young man who had knocked from door to door for employment. He came to me for some

employment. I told him that I had no employment to offer. It might not be possible at this stage for this Government also to offer employment to all youths, but somehow or other these youths find the doors banged against them and they find it very difficult to drag on their miserable existence. He said that he had nine members to maintain. He had a sister who had lost her eyes. He had his mother who had to maintain so many children. It was not possible to maintain them without any resources. This is the state of things, Sir, with which our youths are faced at the present moment.

Coming to the other aspect of the question, I do not understand how the Government of West Bengal in free India could think of this uncalled-for interference with the University of Calcutta as contemplated under clause 7. Sir, if I read clause 7 you will find: "The State Government shall have the right to cause an inspection to be made, by such person or persons as it may direct, of the University, its buildings, laboratories, libraries, museums, press establishment, workshops and equipment and of any institution maintained by the University and of all activities other than purely academic activities of the University and to cause an enquiry to be made into the income, expenditure, assets and liabilities of the University". It goes further and says: "The Syndicate shall report to the State Government the action, if any, which is proposed to be taken or has been taken to give effect to the advice of the State Government. Such report shall be submitted with the opinion of the Senate thereon and within such time as the State Government may direct". Further on it says: "The State Government may, after considering the report referred to in sub-section (3), advise the University to take such further action, if any, as in the opinion of the State Government is necessary and the Senate and the Syndicate shall take or cause such action to be taken within the time specified in such advice in that behalf".

It appears, Sir, that even the circle officer in his circle will not deem it proper to look into the inner workings, financial or otherwise, of an union board as much as the Government of West Bengal contemplates. After all, the University authorities, i.e., the Senate and the Syndicate are representative bodies. Sir, they are representative bodies composed of people, some of whom are highly educated, some of whom are very efficient. If the Government wants to supervise the inner workings of the University that will amount to this that this University will become a department of the Government of West Bengal. Sir, from my little experience in the Calcutta Corporation I know that in all matters Government could not interfere. In the matter of appointment of the Chief Executive Officer, two Deputy Executive Officers and in other statutory appointments, the Calcutta Corporation used to send only one name in each case and Government *ifso facto* used to approve of these appointments. The natural implication was that the appointments made by the Calcutta Corporation should be approved by the Government of Bengal, although some people resented even this question of approval as, in their opinion, it was an interference by the Government with the autonomy of the Corporation. And please remember Sir, this was during the bureaucratic days. Now, today under the new Bill that is going to be introduced, Government of West Bengal wants to take away even that autonomy of the Corporation of Calcutta. Sir, I cannot discuss this Bill since I cannot anticipate the recommendations of the Select Committee at this stage. As I was saying, Sir, so far as the financial and other aspects of the University, laboratories, libraries, museums are concerned, everything must be inspected, everything must be examined, and there is a provision to leave aside only the academic question. To complete the picture, that too might have been included. In other words the University is sought to be reduced to a force. Sir, what is the good of provincial autonomy, what is the meaning of the autonomy of the

University? What is the good of vesting the University only with the right in regard to the academic question? Let us curtail all liberties and like Hitler arrogate to ourselves all powers so that we can guide the destinies of the Calcutta University as we have been guiding the destinies of the State at the present moment.

(Sir, coming to clause 9, we find that this clause makes the Governor of West Bengal to be the Chancellor. Sir, I would read only a portion of the report of the Select Committee. "The criticism advanced that the Bill as framed will unduly restrict the autonomy of the University has been very carefully considered by us. The State Government's right to enquire into and inspect the administrative and financial aspects of University administration in specific circumstances which has been provided for in clause 7 cannot, in our unanimous opinion, be dispensed with." So in the view of the Select Committee this interference is not uncalled for, not unwarranted, unjustified and unworthy of the status of the Calcutta University, a University which consists of the representatives of the people, consists of representatives of the graduates, representatives of the highly educated people who guide the educational destinies, educational advancement. It is a pity, Sir, that that University cannot be entrusted with this responsibility of guiding its own destiny and that Government of West Bengal must step in to check, supervise, inspect, and guide in such a way that it means interference with the autonomy of the University in the most objectionable manner. My friend has just pointed out that clause 9 makes the Governor of West Bengal the Chancellor. Sir, there was no harm to elect the Chancellor when the President of the Indian Republic could be elected. If the President of the biggest democratic country in Asia after China at the present moment can be elected, if the Hon'ble Prime Minister of India, the most important personality of modern India, can be elected on the suffrage of the people, cannot the Chancellor of an autonomous body like the Calcutta University be an elected person? Sir, it smacks of bureaucratic taste, bureaucratic mentality, bureaucratic traditions of the past that the highest dignitary of the State must be there, even though no longer any function, powers behind him. The Chancellor after all must be an elected man whoever he might be or whatever might be his position, whatever might be his status, whatever might be his power, he must be elected and must enjoy the confidence of the people and must not be foisted from outside upon a body like the Calcutta University which is the most important educational institution in the whole of India at the present moment. Even if you concede for a moment that the Governor who is to be Chancellor shall not be elected that the Governor, *ipso facto*, shall be the Chancellor, I do not understand why the Vice-Chancellor, who is the supreme executive of the Calcutta University, should not be elected straightaway by the Syndicate?) Why should he not be appointed straightaway by the Syndicate of the Calcutta University? In the Calcutta Corporation we have straightaway appointed the Chief Executive Officer; we have straightaway appointed all important officers, e.g., the Chief Engineer, the Chief Executive Officer, the two Deputy Executive Officers, the Chief Health Officer, the Secretary of the Calcutta Corporation without any interference from any quarter. It should be possible for the Calcutta University also to appoint its own chief executive the Vice-Chancellor. The appointment may be made by the Syndicate or by the Senate or by both, as these are the two representative bodies of the University of Calcutta which guides to a great extent the destinies of West Bengal in the sphere of education. Therefore it should be possible for the University of Calcutta itself to straightaway appoint its chief executive without any interference from any quarter including the Chancellor and if the Chancellor has got to be referred to I do not see how the Minister of Education comes in. This is something preposterous even to conceive of. I cannot understand how the

Minister of Education can step in. Even in the matter of the appointment of the Treasurer the Minister of Education has got to step in. That shows that the government wants to control, wants to restrict, wants to impair the liberty and the autonomy of the biggest educational institution in the whole of India at the present moment. Adverting again to the appointment of the chief executive of the University, namely, the Vice-Chancellor, the procedure prescribed is this, namely, that he shall be appointed by the Chancellor in consultation with the Minister from among three persons recommended by the Syndicate of whom not more than one shall be a member of the Syndicate. Putting it the other way the Syndicate will send a list of three persons in whom they have confidence to the Chancellor for selecting one from among them. This is more than sufficient and I cannot understand why the Chancellor is to consult the Minister of Education. Granting that the Chancellor is to make the choice from among the three names he should do so without any reference to the Minister of Education. The Hon'ble Minister should nowhere come in the picture at all. This is how it should be done if the autonomy of the University has got to be maintained and not to be impaired.

Sir, my honourable friend Dr. P. C. Ghosh, observed that the reforms proposed to be introduced into the University by means of this Bill are not of a revolutionary character. I wish they were so. He went even so far as to say that Bengali should be the medium of instruction in all stages of education. I am a Bengali myself and I wish that the Bengali language were introduced in all stages of education. But just at the present moment introduction of the Bengali language in the higher stages of education will not serve any useful purpose. So long as our mother tongue, the Bengali language does not attain that level of perfection of the English language or that of any other languages in the western countries and so long as the treatises on scientific subjects are not translated in Bengali, subjects like hydrostatics, statics, dynamics, chemistry, physics, botany, etc., and so long as the technical terms occurring in the scientific subjects are not assimilated and properly absorbed into the Bengali language it is not possible to do proper justice to scientific subjects. The technical terms occurring in the scientific subjects have not yet been translated and cannot be translated all at once in Bengali. It is not for nothing therefore that our Nation Builders have rightly made English as the medium of instruction in the higher stages of education for 15 years to come and as the medium of communication in international affairs as well. The English people with all the fine store in their language and literature with all their modern ideas treasured in their language, when they came to this country did not introduce the English language all at once. They did not foist their language upon us till after 90 years and that too at the instance of the eminent personalities of modern India and they allowed the Persian language to continue as the language of administration for about 9 decades. So it is clear that we cannot introduce the Bengali language just now as that will not meet the requirements of modern science.

Then again I agree with Dr. Ghosh that constituent colleges should also be made self-sufficient financially. There must be enough provision for constituent colleges as the name implies for their under-graduate and post-graduate studies. Unless they are made financially sound they will starve and it will not be possible for them to develop to that stature which is contemplated under this Bill. Primary, secondary and University education, as the Hon'ble the Chief Minister rightly pointed out yesterday, could not be integrated so far because unfortunately, as he said, the Primary Education Act could not be introduced till 1931. Similarly, the Secondary Education Bill, unfortunately because of the tremendous protests and opposition raised from various quarters could not be passed in the Assembly,

although from 1924 onwards serious attempts had been made to place the Secondary Education Bill on the Statute Book. As early as 1940 when the then Education Minister, Mr. Fazlul Huq, introduced the Secondary Education Bill on the floor of the House it was referred to the Select Committee where clause after clause, section after section were discussed and examined and after it emerged from the Select Committee it could not be placed on the Statute Book for reasons best known to the old legislators in this House. So somehow the Secondary Education Bill and the Primary Education Bill could not be passed earlier. Therefore if there has been any delay that fault is ours, it does not matter whether it was of the previous Government or of this Government. We have not been able to integrate primary, secondary and University education because there has never been any consistent attempt in that direction, we have not integrated either theoretical education with practical needs of the people with the result that unemployment has increased beyond all comprehension. In spite of the fact that we want to solve unemployment we have hopelessly failed to do so because our education is so defective, so unsatisfactory, so one-sided, lacking so much vocational and technical bias at the present moment, and is so unfit for the struggle for existence that we cannot think of any all-round improvement providing employment, providing opportunities for our educated youths who are being turned up by the University in thousands. Their general knowledge in spite of their University education does not make them fit for life's struggle. General knowledge, in the language of Froebel is general ignorance. It is like stuffing the minds of students, with so many stores. Sir, in Russia, China, Turkey and other smaller countries, it has been possible to introduce education in such a way that they have reduced unemployment to an absolutely low figure at the present moment. But it has not been possible for us alone even after three or four years to shape our education, to mould our education in such a way that our youths can get on with a free mind and be so trained as to be able to be suitably employed after they finish their education.

Now, Sir, so far as education is concerned, I think that light from whatever source it comes is welcome, and I must ask the Education Minister to benefit by the various systems of education that prevail in all other parts of the world. There is no harm being benefited by the various systems of education prevalent in other parts of the world. At any rate it is nothing derogatory to our position as Emerson has observed "when we are praising Plato, it seems we are praising quotations from Solon, Sophron and Philolaus. Be it so. Every book is a quotation; every house is a quotation out of all forests, and mines and stone quarries, and every man is a quotation from all his ancestors". So I think there is no harm in deriving benefit from other systems of education. If we have any defects and shortcomings, let us correct them and Government should rightly count upon the co-operation of the House to correct the system of education which has been sitting as an incubus upon this unfortunate State of West Bengal for the last one hundred years. It is time we corrected our mistakes, looked into the inner workings of our educational system in such a way as to improve its tone and quality so that the future of Bengal might be brighter, happier and more prosperous, so that the youths of Bengal might be properly employed and might contribute to the cultural, political and social improvement of their motherland.

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** Sir, I rise to thank those honourable members opposite who have spoken well of this Bill and have congratulated us for having placed this Bill before the Legislature. I would also thank those members who have recognised that the proposals in this Bill will make for the advancement of University education and will go to improve the constitution and the functioning of the University.

But, Sir, in spite of all the congratulations that we have received we have not failed to take note of the arguments which have been advanced against this Bill although we are of the opinion that most of the arguments that have been levelled against the provisions of the Bill are misinformed or are put forward out of some preconceived ideas. In the first place, Sir, let us try to see what is the object of this Bill. The object of the Bill has been clearly stated in the preamble, namely, to reorganise the University of Calcutta so that it may effectively function as a teaching University and continue to exercise due control over the colleges.

Sir, the University of Calcutta required reforms at least 30 or 40 years ago. Reforms were considered urgently necessary even 34 years ago. Why? Simply because the University of Calcutta, as was well pointed out by the Hon'ble the Chief Minister, was mainly an affiliating University then. It was subsequently, when it took upon itself post-graduate teaching, that the question of adjustment of its functions and of its relation with the other colleges arose. The situation then was a matter of as anxious consideration as it has been stated by the Opposition even today. As the Sadler Commission put it, "one of the most remarkable features in the recent history of Bengal and indeed of India, has been the rapid increase in the number of students which has taken place in the last two decades and more especially since the University Act of 1904. The full significance of this fact can perhaps be most clearly brought out by a comparison between Bengal and the United Kingdom. The population of the two countries are almost the same, namely, about 45 millions and by a curious coincidence the number of students preparing for University Degrees are almost the same about 26 thousand. But since in Bengal only about one in ten of the population can read and write, the proportion of the educated class in Bengal who are taking full-time University course is almost ten times as great as in the United Kingdom." "Bengal is unlike any other civilised country in that so high a proportion of its educated class studies for University Degree as the natural goal and ambition and seeks this goal by means of studies which are purely literary in character and therefore scarcely provide for any direct profession or trade." That being the position for the improvement of university education, Sir, two things were considered necessary. In the first place, the improvement of secondary education, improvement of teaching in Intermediate Colleges and improvement of teaching in the University, in other words, improvement of teaching in the pre-university courses as well as improvement of teaching the University courses. Sir, there is nothing strange or amazing in that. Even now-a-days in England it is considered that "the success of university education depends on these two things, namely, the strengthening of intermediate or pre-university teaching and also on the strengthening of university teaching".

Now, Sir, so long as the Secondary Education Bill could not be enacted, the amendment of university legislation could be deemed premature to a certain extent. The two might have gone hand in hand but certainly the improvement of the two grades of education was essential and necessary. Soon after the report of the Sadler Commission was made, attempts were made in certain other provinces not only to amend the University Act on the one hand but also to set up Boards of Secondary Education—may not be statutory but advisory Boards—but after all, attempts were made to set up some Boards of Secondary Education. So far as this Government is concerned owing to past inaction or failure it has to think almost simultaneously of the improvement of primary and secondary education and higher education though also of the development of university education only after it could attend sufficiently to the improvement of primary and secondary education.

Honourable members are all aware that the first attempts that were made by this Government to enact educational laws related to primary education. The first educational Bills that were brought forward by this Government sought the amendment of the Bengal Primary Rural Education Act. They sought to remove the road-blocks that stood in the way of advancement towards compulsory and universal primary education. By those amendments, Sir, it has been possible for us to take up a programme of free and compulsory primary education for all to be completed in a decade and it will be possible for us to implement that scheme from this year onward and sufficient funds have been provided in the present budget to implement the first stage of that scheme.

As regards secondary education, Sir, it is well known that we have not only enacted the Secondary Education Act but in pursuance of that Act the Secondary Education Board is going to be set up and is coming to function very soon. Not only that. To strengthen secondary education the present Government has also doubled the provision for grants-in-aid to secondary schools. Previously, Sir, only Rs. 13 lakhs went towards the assistance of these schools, that is, the schools could be helped with a grant of Rs. 13 lakhs only. After the present Government came into office they doubled the amount to Rs. 26 lakhs and so far as this year is concerned we are spending near about Rs. 30 lakhs for grant-in-aid to the high and middle schools just to strengthen secondary teaching. The present Bill therefore, Sir, will complete the trilogy of educational legislation. If it is passed by the Legislature, then, Sir, we shall have the legislations necessary for the improvement of education in all the three grades. When therefore, Sir, members on the opposite benches remind us that educational improvements can be considered as an integrated matter we thank them only for reminding us of an obvious duty, a duty carried out to the best of our resources, but will thank them more if they realise that what others could not do we have been able to do of course within the limits of our resources. At any rate they should realise that what the previous Government could not do, it has been possible for us to do even in our difficult financial condition.

Now, Sir, about the University Bill. It is well known that the Bill has emerged from the Select Committee almost as an agreed Bill except in one or two matters. When therefore my friend like Dr. Banerji or S. Kanai Lal De or for the matter of that Mr. Charu Chandra Bhandari comes forward to allege that this Bill is going to curtail the autonomy of the University, all I can do is to present them what Dr. Ghosh said from their ranks last night. Referring to the criticism that autonomy of the University would be curtailed by the provisions of the Bill Dr. Ghosh is reported to have said that "there was no such thing as absolute autonomy for any institution. The aim should be to provide the maximum autonomy with proper safeguards against misuse of powers. Even the State Government he rightly pointed out, had no absolute autonomy. If the Government went wrong the popular vote was there to throw it out," etc., etc. Dr. Ghosh has only and rightly paraphrased that portion of the Select Committee report which has pointed out that there has been no undue abridgment of autonomy.

Sir, as regards section 7 to which attention of the House has been drawn by the members on the Opposition, may I inform the House that a section of wider import can be found in the Madras University Act which was passed after the report of the Sadler Commission and which has been amended from time to time even up till 1946. The corresponding section of the Madras University Act does not even preclude the Government from enquiring into academic matters. Section 7 of the Madras Act will clearly show that the provision is not only there but it does not even



contemplate that the Government's right to enquire 'should be confined to administrative or financial matters only. We have 'deliberately, Sir, excepted academic or purely teaching activities from external inspection.

**Dr. SURESH CHANDRA BANERJI:** In which year the Madras Act was passed?

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** 1923; it was amended again and again up till 1946. It is an up-to-date Act.

**Dr. SURESH CHANDRA BANERJI:** It is of pre-independence days. I am sorry you quote it.

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** Pre-independence Act no doubt but the particular provision was 'introduced when the Congress Ministry was in power.

**SJ. CHARU CHANDRA BHANDARI:** বাংলা দেশের আদর্শই দেখুন, এখানেই আদর্শ থাকতে অপরের আদর্শ আমরা নেবো কেন ?

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** So far as section 7 is concerned, there is a wrong idea that section 7 contemplates interference into day-to-day administration of the University. No, Sir. It is a provision for meeting extraordinary circumstances when such circumstances arise and which, we hope, will never arise. There is a provision in the present University Act that a Fellow elected may be dismissed by the Government, but since 1857 up till now not a single Fellow elected to the University has been dismissed by any Government.

Now, as regards the other provision, the provision regarding the Chancellor, we have not followed any previous tradition. We have only pointed out in the report of the Select Committee that it will be ungraceful in the altered situation of today not to have the Governor as the Chancellor. Till yesterday we had the Governor as the Chancellor—even a non-Indian Governor, but now that every Province is going to have an Indian Governor, it would be ungraceful today in the altered situation of the country not to have the Governor as the Chancellor. This has been pointed out in the Select Committee report, and I think the Select Committee was right in holding this view.

As regards the appointment of the Vice-Chancellor, I shall enter into that question when the appropriate clause comes to be discussed. If necessary I shall reply to the criticism then but I am not going to speak twice on the same subject nor am I going to deprive the honourable members opposite of their right to speak three times on a subject.

As regard the appointment of the Treasurer, the Select Committee has changed the provision and the Treasurer will be appointed by the Chancellor.

Now, Sir, when it is pointed out that the Radhakrishnan Commission report recommended such and such things and we have not accepted them, Sir, I cannot but smile. The Radhakrishnan Commission report is quoted only in part by all persons who want to have a portion of their liking out of that report. May I point out to Dr. Suresh Chandra Banerji who has professed so much regard for Radhakrishnan Commission report: whereas we have made a provision for 25 representatives of the registered graduates in the Senate in the recommendations of the Radhakrishnan Commission report so far as the composition of the Senate is concerned, there is a provision for only ten representatives of the alumnes of the University. Instead of 10 we have provided for 25 representatives.

Then we are reminded of the Radhakrishnan Commission's report regarding the appointment of the Vice-Chancellor. Dr. Banerji forgets the crux of the recommendation of the Radhakrishnan Commission as far as the appointment of the Vice-Chancellor is concerned. Nor did the Radhakrishnan Commission recommend that the Chancellor must be appointed by the University. Therefore the Radhakrishnan Commission report is quoted only to suit one's purpose. My friend Sj. Charu Chandra Bhandari also quoted Radhakrishnan Commission report. And professing to follow it he is proposing in an amendment that the number of teachers' representatives should be cut down to one-third of the total number of members of the Senate or some such thing.

**SJ. CHARU CHANDRA BHANDARI:** আমার কথা হচ্ছে—না ভেবে চিন্তে eagerly কোন কিছু কথা উচিত হবে না। বিশ্ববিদ্যালয়ের ব্যাপারে বিশেষ বিবেচনা করেই আমাদের চলতে হবে।

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** Therefore, Sir, I would say that it will be misquoting the University Commission report if we do not pay sufficient regard to, if we do not try to understand properly the significance of, the essential recommendations of the Radhakrishnan Commission and simply take this detail or that detail in the recommendations as it suits our purpose. That is, Sir, not a proper treatment to accord to such an important Commission report.

As regards the University grants, this Government is only sorry that it has not been able to suggest a larger grant for the University. A sum of Rs. 16 lakhs that is being provided for is the minimum amount and it has been clearly stated in the amendment that is going to be moved in the Assembly that this is the minimum grant to the University. So far as the *bona fides* of this Government is concerned, so far as the sympathy of this Government headed by the Hon'ble Dr. Roy is concerned for the University, Sir, it can hardly be doubted. In 1946-47 the grant to the University was Rs. 8.25 lakhs which constituted only 20 per cent. of the total income of the University which was then Rs. 40 lakhs or so. It was this Government which increased the grant to the University to Rs. 15.25 lakhs which means 30 per cent. of the larger income of the University estimated to be Rs. 50 lakhs in 1949-50. Therefore, so far as the sympathy of this Government and the *bona fides* of this Government are concerned, that can hardly be doubted by any person particularly by those who never had any hand in augmenting the grant to the University.

As regards the question why have we put down Rs. 16 lakhs and not more, the answer must be obvious to those persons who have taken the least care to read the Radhakrishnan Commission report. The Radhakrishnan Commission recommended that for the development of the universities in India Rs. 21½ crores will be necessary and the Provincial Government and the Central Government together should contribute at least 60 per cent. of this sum. Now if this 21½ crores for the whole of India is worked out on the basis of population, it will on the basis of the census of 1941 be something like Rs. 1.25 crores for West Bengal. Now 60 per cent. of that sum, the Radhakrishnan Commission recommended, should be contributed both by the Provincial Government and the Central Government for the development of University education. So far as the West Bengal Government is concerned even under straitened circumstances, it is now contributing 30 per cent. of the estimated expenditure on the current basis of the University. Should we not, therefore, wait to see how and to what extent the Central Government come forward to help the University or the Universities in pursuance of the recommendations of that Commission which was appointed not by the State Government but by the Centre? We can wait, now that the situation has changed and University education is going not simply to

be a State subject but a Central subject also under the new Constitution. There is a clear recommendation of the Radhakrishnan Commission to this effect. On page 405 it is said "As we have repeatedly shown in earlier chapters our universities are grossly underfinanced for the tasks they are attempting. More buildings, more staff, better-paid staff, more scholarships, more facilities for research, more books, more equipment—all these are clamant needs. We see no possibility of the Provinces providing the whole of the necessary expenditure, burdened as they will be with the no less acute needs of extending basic, secondary and technical schools. Generous grants from the Centre must be forthcoming; and these grants the Centre will not, and should not, allocate blindly or mechanically." Again, Sir, it is specifically stated on page 409 of the report "We accordingly suggest as a short-term goal that the Government of India should make itself responsible for an overall total amounting to 50 per cent of the cost of post-graduate and research work". Sir, we are justified, therefore, as I have said before to wait and see, after we have done what we could possibly do to help the University from our slender resources, how the Centre comes forward to help the University. In that view, Sir, we have made the best attempt to provide for an immediate statutory grant to the Calcutta University. If it be possible for us to enlarge that grant, Sir, of course we shall do that but at the same time may I not request the members of the Assembly to wait and see how the Centre comes to the help of the University.

Sir, this is all that I have got to say at this stage. The specific points that have been raised will be answered more elaborately—I do not know whether my answers will be satisfactory or not to the members opposite when the particular amendments come up before the House. For the present, Sir, I shall be content with what I have said and I hope my friends opposite will try to understand the Government views on the points that have been raised by them.

The motion of the Hon'ble Rai Harendra Nath Chaudhuri that the Calcutta University Bill, 1951, as reported by the Select Committee, be taken into consideration was then put and agreed to.

*Cl. se 1.*

The question that clause 1 do stand part of the Bill was then put and agreed to.

### Point of Privilege.

**SJ. JYOTI BASU:** Mr. Speaker, Sir. I rise on a point of privilege. It so happens in this House that Sri Susil Kumar Banerjee brings a lot of amendments on behalf of the Government. Of course I do not mind his bringing in thousands of amendments but then would it not be better if, whilst he moves the amendments, he makes a short speech as to why the amendment is thought necessary. It would help us then to understand why he is bringing in the amendments. I think that is the usual practice followed by other members and I should say he should follow the same.

**MR. SPEAKER:** It is within the discretion of a member to make or not to make a speech while moving his amendment.

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** Most of Sri Susil Kumar Banerjee's amendments are of a technical nature and I shall explain when my turn comes as to why they are necessary.

**SJ. SUSIL KUMAR BANERJEE:** These amendments are generally more of a technical nature.

*Clause 2.*

**8). SUSIL KUMAR BANERJEE:** I beg to move that in clause 2(a), line 3, for the words "the coming into force of section 3 of this Act" the words "the appointed day" be substituted.

I also beg to move that after clause 2(a), the following be inserted, namely:—

"(aa) 'appointed day' means the date referred to in sub-section (4) of section 52;"

I also beg to move that in the proviso to clause 2(b), lines 1 and 2, the words "conditions for" be omitted.

I also beg to move that in clause 2(g), line 2, before the words "for courses" the word "only" be inserted.

I also beg to move that in the *Explanation* to clause 2(g), line 1, for the words "Professional subject" the words "In this Act 'professional subject', be substituted.

I also beg to move that in the *Explanation* to clause 2(g), line 3, for the words "engineering, law, medicine," the words "law, medicine, engineering, education, technology," be substituted.

I also beg to move that in clause 2(j), line 3, after the words "University or" the words "appointed by" be inserted.

I also beg to move that in clause 2(l), line 2, for the word "reconstituted" the word "constituted" be substituted.

I also beg to move that in clause 2(m), line 1, after the word "College" the words "or an institute or a College combined with an institute" be inserted.

I also beg to move that in clause 2(o), line 3, after the word "recognised" the words "as such" be inserted.

**8j. CHARU CHANDRA BHANDARI:** I beg to move that after clause 2(a), the following be inserted, namely:—

"(aa) 'appointed day' means the respective date appointed under sub-section (2) of section 1 for the coming into force any of the provisions of this Act".

**8j. BIMAL COMAR CHOSE:** With your permission, Sir, I would like to make a slight alteration in my amendment and I move it in the altered form. I beg to move that in clause 2(g), *Explanation*, line 3, after the word "journalism" the word "commerce", be inserted.

**8j. CHARU CHANDRA BHANDARI:** মাননীয় স্পীকার মহোদয়, এই যে amendment—appointed dayর definition গভর্নমেন্ট side থেকে স্থগীলবাবু move করেছেন, এটা যদি আমরা বরি যে appointed day means the day referred to in section 52(4), তাহলে দেখা যায় এই section 52(4), কি বলছে—স্থগীলবাবু যে amendment এনেছেন সেটা বুঝতে হ'লে sub-section (4), section 52 আমাকে দেখতে হয়। তাতে বলা হচ্ছে—"The Regulations of the University of Calcutta in force immediately before the commencement of this Act shall, so far as they may be applicable, continue to be in force until they are replaced by the Statutes, Ordinances or Regulations to be framed under this Act".

এখানে মাননীয় শ্রীকার মহাশয়, আপনি একটু দৃষ্টি দিয়ে দেখবেন। এখানে বলছে referring to the day as referred to in section 52(4); এর মধ্যে কোন date উনি mean করছেন? অতএব এই amendment-এর কোন অর্থ আছে বলে মনে হয় না। কারণ যে amendment refers to original sub-clause (4) whereas there is no mention of any day in section 52(4).

অতএব এই amendment কি ক'রে in order হ'তে পারে, তা বুঝতে পারছি না। সেই জন্য this amendment is not an amendment to the later amendment of Sj. Susil Kumar Banerjee. This amendment refers to the original clause, that is, Original sub-clause 52.

তার মধ্যে এমন কোন date নাই যেটা এর সম্বন্ধে refer করতে পারি। এইজন্য আমি যে amendment দিচ্ছি তা all comprehensive. এই জিনিষটা তা'হলে বোঝা যাবে। সেই amendment হচ্ছে "Appointed day" means respective dates appointed under section 1(2) for coming into force any of the provisions of the Act. তা'হলে একটা অর্থ হয়, তা না হ'লে কোন অর্থই হয় না।

This section shall come into force at once; the rest of this Act shall come into force on such date or dates as the State Government may by notification in the *Official Gazette* appoint, and different dates may be appointed for different provisions of this Act.

এখানে "appointed" কথা আছে। অতএব এই Act-এর বিভিন্ন provisions যে যে বিভিন্ন dates-এ come into force. Actually যে যে জায়গায় স্থগীলবাবুর নামে amendment দেওয়া হয়েছে সেই সব জায়গায় দেখবেন appointed day মানে সেই একই জিনিষ। যদি এই "appointed day"-র একটা definitionই দিতে হয় তা'হলে এই রকম একটা definition দিন, যেটা অন্তত: একটু intelligible হয়, যার একটা মানে হয়। তাইকোর্টে যা *ultra vires* হয়ে গেছে, এই রকম কোন amendment দিবেন না।

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** Sir, the amendment No. 2 which has been moved by Sj. Susil Kumar Banerjee covers the point that has been raised by Sj. Charu Chandra Bhandari. The amendment has got to be read with reference to the new section 52 which has been numbered as amendment No. 112E. With reference to amendment No. 112E the amendment No. 2 of Sj. Susil Kumar Banerjee should be read. Then it would be quite clear.

**Sj. CHARU CHANDRA BHANDARI:** On a point of order, Sir. It refers to another amendment. উনি আমার amendment সম্বন্ধে বলেছেন। It refers to another amendment. It is an amendment to some other amendment. স্থগীলবাবুর amendment-এ একথা বলা নাই—That it is an amendment to some other amendment. আপনাদের যে criticism করছি, তা হয়েছে কিনা দেখুন।

**Mr. SPEAKER:** Amendment No. 2 be held over until we come to clause 52.

The motion of Sj. Susil Kumar Banerjee that in clause 2(a), line 3, for the words "the coming into force of section 3 of this Act" the words "the appointed day" be substituted, was then put.

**Mr. SPEAKER:** I think it is better to postpone the passing of the amendment and the clause.

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** What I would suggest is that so far as amendment No. 2 is concerned, leave that aside now and let not the clause be put to vote. That question may be kept in abeyance, but why should not the other amendments be put to the House?

**MR. SPEAKER:** All right.

The motion of S<sub>j.</sub> Susil Kumar Banerjee that in the proviso to clause 2(b), lines 1 and 2, the words "conditions for" be omitted, was then put and agreed to.

The motion of S<sub>j.</sub> Susil Kumar Banerjee that in clause 2(g), line 2, before the words "for courses" the word "only" be inserted, was then put and agreed to.

The motion of S<sub>j.</sub> Susil Kumar Banerjee that in the *Explanation* to clause 2(g), line 1, for the words "Professional subject" the words "In this Act 'professional subject' " be substituted, was then put and agreed to.

The short-notice amendment motion of S<sub>j.</sub> Bimal Comar Ghose that in clause 2(g), *Explanation*, line 3, after the word "journalism" the word "commerce" be inserted, was then put and agreed to.

The motion of S<sub>j.</sub> Susil Kumar Banerjee that in the *Explanation* to clause 2(g), line 3, for the words "engineering, law, medicine," the words "law, medicine, engineering, education, technology," be substituted, was then put and agreed to.

The motion of S<sub>j.</sub> Susil Kumar Banerjee that in clause 2(j), line 3, after the words "University or" the words "appointed by" be inserted, was then put and agreed to.

The motion of S<sub>j.</sub> Susil Kumar Banerjee that in clause 2(l), line 2, for the word "reconstituted" the word "constituted" be substituted, was then put and agreed to.

The motion of S<sub>j.</sub> Sushil Kumar Banerjee that in clause 2(m), line 1, after the word "College" the words, "or an institute or a College combined with an institute" be inserted, was then put and agreed to.

The motion of S<sub>j.</sub> Susil Kumar Banerjee that in clause 2(o), line 3, after the word "recognised" the word "as such" be inserted, was then put and agreed to.

### Clause 3.

**S<sub>j.</sub> SUSIL KUMAR BANERJEE:** Sir, I beg to move that in clause 3(f), line 5, for the words "are hereby constituted" the words "shall on and from the appointed day constitute" be substituted.

**S<sub>j.</sub> CHARU CHANDRA BHANDARI:** Sir, এটা তো "appointed" day হয়ে গেলে, তার মানে তো বিছা হ'ল না। তা হ'লে কি করে এই amendment হয়?

**S<sub>j.</sub> SUSIL KUMAR BANERJEE:** Sir, clause 3 may be held over.

### Clause 4.

**S<sub>j.</sub> CHARU CHANDRA BHANDARI:** আমি clause 4 এর উপর বলতে চাই— not on the amendment but on the original clause.

**MR. SPEAKER:** If you do not want it, you can vote against it.

**S<sub>j.</sub> CHARU CHANDRA BHANDARI:** মাননীয় স্পীকার মহাশয়, আমি এই clause 4টাও omit করতে চাইছি। অতএব এটা out of order করা হ'ল, বাতিল করা হ'ল। আমার প্রণাম হচ্ছে

এটা বাড়িল করা উচিত। কিন্তু এর মধ্যে গভর্ণমেন্টের কি উদ্দেশ্য ছিল? Government in their extreme eagerness তাড়াতাড়ি University, Syndicate, Senate বা কিছু আছে সমস্তই তাঁদের হাতে নেবেন। In their eagerness সেখানে তাঁরা এই clauseটা প্রণয়ন করেছিলেন। তখন তাঁরা বোঝেন নাই যে এর কোন মানে হয় না। অন্য কেউ না আসা পর্যন্ত constitutionally they can continue the function. কিন্তু clauseটা পড়ে সেবুন্-রাম অনুযায়ী আগেই ব্যবস্থা করা হচ্ছিল। বিলটা পাস হবার আগে যেন তারা function না করতে পারে।

**The Hon'ble Rai HARENDRA NATH CHAUDHURI :** বোটেই নয়।

**Sj. CHARU CHANDRA BHANDARI :** তাই আছে, আমি পড়ে যাচ্ছি—

“As from the date of coming into force of section 3 of this Act the Chancellor shall cease to exercise his functions under any Act or Acts heretofore in force and the Vice-Chancellor and all Fellows and Honorary Fellows of the University of Calcutta as constituted and incorporated by any Act or Acts heretofore in force shall cease to be the Vice-Chancellor, Fellows and Honorary Fellows of the University, respectively.”

কি করে হতে পারে? clause 3 কি বলছে? clause 3 বলছে এই যে sectionটার এসেই—

“The first Chancellor and Vice-Chancellor of the University and the first members of the Senate, the Syndicate and the Academic Council and all persons who may hereafter become such officers or members so long as they continue to hold such office or membership are hereby constituted a body corporate by the name of the University of Calcutta.”

অতএব এই sectionটা তাড়াতাড়ি এই রকম করে আনবার কোন কারণ এর মধ্যে ছিল না। কিন্তু একটা eagerness ছিল এই পর্যন্ত।

**The Hon'ble DR. BIDHAN CHANDRA ROY :** কিসের eagerness?

**Sj. CHARU CHANDRA BHANDARI :** Eagerness হচ্ছে সমস্ত Actটা আসার আগে এঁদের কাউকে function করতে না দেওয়া। (The Hon'ble Niharendu Dutt-Majumdar : আপনি ভাল আধিকার করেছেন।)

**The Hon'ble Rai HARENDRA NATH CHAUDHURI :** Sir, that is a misinterpretation of the intention of the Government and the provisions of the Act also. If Mr. Bhandari would care to turn to amendment 112E which has been circulated, he will find that sub-section (6) says: “On and from the appointed day, Act II of 1857, and the Indian Universities Act, 1904, so far as it applies to the University of Calcutta, shall stand repealed”. In a different phrase only this is going to be re-enacted in amendment 112E. Probably he has misunderstood the whole thing.

The question that clause 4 do stand part of the Bill was then put and lost.

#### Clause 5.

**Sj. SUSIL KUMAR BANERJEE :** Sir, I beg to move that in clause 5(4), lines 3 to 5, for the words “to appoint or recognise persons to such Professorships, Readerships, Lectureships and other teaching posts” the words “to appoint persons to such Professorships, Readerships, Lectureships or other teaching posts or to recognise persons as such Professors, Readers, Lecturers or holders of other teaching posts” be substituted.

I also beg to move that in clause 5(9), lines 4 and 5, for the words “the coming into force of section 3 of this Act” the words “the appointed day” be substituted.

I further beg to move that in clause 5(12), line 2, for the word "and" the word "or" be substituted.

The motion of Sj. Susil Kumar Banerjee that in clause 5(4), lines 3 to 5, for the words "to appoint or recognise persons to such Professorships, Readerships, Lectureships and other teaching posts" the words "to appoint persons to such Professorships, Readerships, Lectureships or other teaching posts or to recognise persons as such Professors, Readers, Lecturers or holders of other teaching posts" be substituted, was then put and agreed to.

**Sj. CHARU CHANDRA BHANDARI:** Sir, এই যে "appointed day" এটা এখনো settled হয় নাই।

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** After all, the meaning of "the appointed day" may be anything. This is only to put down the words "the appointed day" and whatever meaning is decided, it will apply to these particular words.

**Sj. CHARU CHANDRA BHANDARI:** Sir, কোন দিলে এমন কথা দেয়া যায় না যে ভিনিষের কোন অর্থ হয় না।

**Mr. DEPUTY SPEAKER:** All right, let it be held over.

The motion of Sj. Susil Kumar Banerjee that in clause 5(12), line 2, for the word "and" the word "or" be substituted, was then put and agreed to.

*Clause 6.*

**Sj. SUSIL KUMAR BANERJEE:** Sir, I beg to move that in clause 6, in the penultimate line, for the word "sub-section" the word "section" be substituted.

The motion was then put and agreed to.

The question that clause 6, as amended, do stand part of the Bill, was then put and agreed to.

*Clause 7.*

**Sj. CHARU CHANDRA BHANDARI:** Sir, I beg to move that for clause 7, the following be substituted, namely:—

- (1) The State Government may request the University to cause an inspection to be made of the University, its buildings, laboratories, libraries, museums, press establishments, workshops and equipment, and any institution maintained by the University and of all activities other than purely academic activities of the University and to cause an inquiry to be made into the income, expenditure, assets and liabilities of the University.
- (2) Such inspection shall be made by a Committee presided over by a Judge of the High Court selected by the State Government in consultation with the University, and consisting of four other members of whom two shall be selected by the State Government and two others by the Senate.
- (3) It shall be the duty of the University to take action to give effect to the recommendations, if any, made by the Committee in its report of inspection and enquiry."



মাননীয় Deputy Speaker মহোদয়, সাধারণ আলোচনার সময় আমি বলেছি যে এই বিলে Government কর্তৃক Universityর স্বাধীনতা হরণের যে সমস্ত clause আছে তার মধ্যে এই clause-টা অন্যতম প্রধান clause. এই সম্বন্ধে আমি বঙ্গবন্ধোজা সাহেবের সঙ্গে একমত যে, যে কোন Union Board inspectionএর ক্ষমতা কোন Circle Officerকে দেওয়া হয় নাই। Union Boardএর সঙ্গে Circle Officerএর যে সম্পর্ক তার চাইতে কঠিনতর প্রতিষ্ঠানের সম্পর্কে এট যে স্থিতি করা হচ্ছে এই বিষয়ে আমি এই পরিষদের মনোযোগ আকর্ষণ না করে পারছি না। আমি কাল বলেছি যে, কোন Universityর বিল নিয়ে যদি inspection হয় তাহলে purely non-academic বলে কিছু আর থাকতে পারে না। অতএব museum, librarys workshopএর মত যদি inspected হয় বা নাকি purely academic matter তাইলে সেই academic aspectটাই যে affected হবে তাতে সন্দেহ নাই। সুতরাং এই রকম inspection হওয়া উচিত নয়, আমি এর সম্পূর্ণ বিরোধী। ভ্রুু আমি Government এইরকম ভাল কথা শুনবেন না কারণ, তাঁরা Universityকে তাঁদের একটি departmentএ পরিণত করতে মনস্থ করেছেন। মাননীয় মহানীহাশর এই বিলের Member-in-charge যিনি, তিনি সাধারণ আলোচনার উত্তরে বলেছেন যে, আমরা একদিক থেকে বলছি যে রাধাকৃষ্ণ কমিটির recommendation গ্রহণ করবার জন্য, আর একদিক দিয়ে আমরা যে amendment দিয়েছি তাতে তার উলটো করছি। আমি একথা কখনও বলি নাই যে রাধাকৃষ্ণ কমিটির সমস্ত recommendationগুলিই গ্রহণ করুন; এই কথা আমরা কখনও বলি নাই। যে জায়গার রাধাকৃষ্ণ কমিটির recommendation ভাল লেগেছে, যে জায়গায় বুঝেছি, যেটা গ্রহণ করলে Universityর মঙ্গল হবে, জনসাধারণের মঙ্গল হবে, শিক্ষার সুবিধা হবে এবং যেটা গহনীয় বলে মনে করেছি সেই জায়গায় বলেছি এটা গ্রহণ করা উচিত। আমি মহানীহাশরকে ভিজ্ঞাসা করি তাঁরা রাধাকৃষ্ণ কমিটির recommendationএর কোন জায়গাটা গ্রহণ করেছেন? Vital যেসব জায়গা সে জায়গার কিছুই গ্রহণ করেন নাই। Vice-Chancellorএর appointment সম্বন্ধে সেই recommendationএ কোথাও নাই যে Chancellor যিনি হবেন Stateএর Governor তিনি Minister of Educationএর সঙ্গে consult করে কিম্বা তাঁর অনুমোদন নিয়ে Vice-Chancellorকে appoint করতে হবে। তাঁরা recommendationটা নিয়েছেন সেইখানে যেখানে তাঁদের সুবিধা হচ্ছে এবং সেইখানেই রাধাকৃষ্ণ কমিটি থেকে নিয়ে quote করেছেন। মুখামহী মহাশয় বলেছেন যে, Sadler Commissionএর report অনুযায়ী সমস্ত province নিয়েছে, কেবল বাংলাদেশ নেয়নি। তাঁরা যেখানে vital points আছে যেমন appointment of Vice-Chancellor তার মধ্যে যা আছে তা অন্যান্য প্রদেশ নেবে, নিতে পারে, কিন্তু বাংলাদেশ নেবে না। সেখানে section 7 omit করা উচিত। Omit গুঁরা করবেন না জানি। অতএব তাঁদের উদ্দেশ্য বজায় রেখে যতটুকু নরম করা যায় সেইটুকু নরম করবার কথাই আমি বলছি। সেখানে বলা হোক Universityর একটা inspection হবে—State থেকে নয়, একটা committee সেটা করুক। Independent enquiry committee হোক, তার presiding officer হবেন a Judge of the High Court, এবং ৪ জন member হোক; তার মধ্যে ২ জন Government appoint করে দিন আর দুইজন University করুক। নেহাৎ বর্তমান অবস্থায় যদি পরোজন হয় তাহলে Universityর সমস্ত বজায় রেখে, Universityর independence কিছুমাত্র খর্ব না করে একটা enquiry ব্যবস্থা যদি করা হয় তাহলে ভাল হয়। এটা তাঁরা গ্রহণ করুন; এর দ্বারা inspectionও হবে এবং Universityর স্বাভাব্য ও সম্মান খর্ব করা হবে না। Governmentএর লোক দুইজন সেখানে থাকবেন, High Courtএর জজ একজন থাকবেন এবং Universityর selected নির্বাচিত দুইজন সভা থাকবেন। তারপর inspection হ'লে তাঁদের যে recommendation আমি বলব, it should be the duty of the University to take action to give effect to the recommendations, if any, made by the committee in its report of inspection and enquiry. অতএব যে section 7 তাঁরা পাশ করতে চাচ্ছেন সেই section করাটা হচ্ছে এমন অবস্থা—যেমন কোন Government departmentএ বেরকমভাবে enquiry বা inspection করা হয় ঠিক সেই রকম অবস্থা—as if the University were a department of the Government এবং এর ফলে Universityর যে কোন independence থাকবে তা নয়। অতএব আমরা যে amendment দিয়েছি এটা বেন এই House গ্রহণ করে এবং Government গ্রহণ করুন। এই হচ্ছে আমার আবেদন।

The motion of Sj. Charu Chandra Bhandari that for clause 7 the following be substituted, namely:—

- “7. (1) The State Government may request the University to cause an inspection to be made of the University, its buildings, laboratories, libraries, museums, press establishments, workshops and equipment, and any institution maintained by the University and of all activities other than purely academic activities of the University and to cause an inquiry to be made into the income, expenditure, assets and liabilities of the University.
- (2) Such inspection shall be made by a Committee presided over by a Judge of the High Court selected by the State Government in consultation with the University, and consisting of four other members of whom two shall be selected by the State Government and two others by the Senate.
- (3) It shall be the duty of the University to take action to give effect to the recommendations, if any, made by the Committee in its report of inspection and enquiry”.

was then put and lost.

The question that clause 7 do stand part of the Bill was then put and agreed to.

**Mr. DEPUTY SPEAKER :** 22 move করুন।

*Clause 8.*

**Sj. CHARU CHANDRA BHANDARI :** আমি 22 move করছি।

I beg to move that in clause 8, item (i), be omitted.

এই হচ্ছে clause 8. তাতে আছে the following shall be officers of the University. Head of the Institution, Chancellor, তাঁকে যে ক্ষমতা দেওয়া হয়েছে তাতে তাঁকে একটি officer বলে না রাখাই সমীচীন বলে মনে করি। তাঁকে officer বা এমন কিছু বলা মানে তার পদমর্যাদার তাতে খর্ব হয়। আইনতঃ legalistic অবশ্য কোন দোষ থাকে না। কিন্তু আমার মনে হয় Chancellor-কে officer বলা যুক্তিসঙ্গত নয়। এজন্য omit করতে বলি।

**The Hon'ble Dr. BIDHAN CHANDRA ROY :** Bearer-হওয়া উচিত নয়? কি করতে হবে?

**Sj. CHARU CHANDRA BHANDARI :** Bearer বরাহিনা।

The motion was then put and lost.

The question that clause 8 do stand part of the Bill was then put and agreed to.

*Clause 9.*

**Dr. SURESH CHANDRA BANERJI :** Clause IX সম্বন্ধে আমি কিছু বলতে চাই। মাননীয় মহোদয়শ্রী তার বক্তৃতায় পরিচয় এই ধারণা স্পষ্ট করতে চেয়েছেন যে এ বিলতে Chancellorকে বলা হচ্ছে Governor shall be the Chancellor এটা Radhakrishnan-এর recommendation-এর মতানুযায়ী হয়েছে এবং এর বিরুদ্ধে বলে আমরা Radhakrishnan কমিশনের recommendation-এর বিরুদ্ধে বলছি এই ধারণা তিনি পরিচয় স্পষ্ট করতে চেয়েছেন। সুতরাং রাধাকৃষ্ণ কমিশনের report-এ Chancellor-এর নিয়োগ বিষয়ে কি লেখা আছে সে সম্বন্ধে পরিষ্কার ক'রে বলা দরকার। রাধাকৃষ্ণ কমিশনের রিপোর্টে এ সম্বন্ধে কোন নিশ্চিত সুপারিশ নেই। বলা হয়েছে Chancellor নিয়োগ সংক্রান্ত প্রশ্নের বীয়াসা প্রত্যেক রাজ্য নিজে নিজে ক'রে নেবে। এই হচ্ছে সুপারিশ—নিশ্চিত কোন সুপারিশ নেই। সে হিসাবে বলছি—আমাদের রাজ্যের বিশ্ববিদ্যালয়ের অতীত ইতিহাস বিবেচনা ক'রে পতর্পরকে Chancellor করা ঠিক হবে না একথা

হ'লে আমি রাধাকৃষ্ণ কমিশনের সুপারিশের বিরুদ্ধে কোন কথা বলি নাই। কারণ রাধাকৃষ্ণ কমিশনের রিপোর্টে Chancellorএর নিয়োগ সম্বন্ধে কোন নিশ্চিত সুপারিশ নাই। সুতরাং মাননীয় মহীমহাশয় এ নিয়ে কোন আন্দোলন আক্রমণ করলেন তার কারণ কিছু বুঝতে পারিলাম না। আমাদের এই রাজ্যের এবং বিশ্ববিদ্যালয়ের অতীত ইতিহাসের কথা মনে করলে Governorএর Chancellor না হওয়াই সমীচীন। Chancellor should be elected by Senate এ কথা বলে Radhakrishnan Commissionএর বিরুদ্ধে কোন কথা বলা হয় না।

**Janab COLAM HAMIDUR RAHMAN:** বিহার Assemblyতে প্রশ্ন উঠেছে State Legislative Governmentক Chancellor নিযুক্ত করতে পারে কিনা।

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** I can tell him what the position is. The Bihar Advocate-General was consulted and he gave the opinion that there was no bar to the Chancellor of the University being the Governor of the State, nor is the Governor prohibited from accepting any office unless it is an office of profit. The Speaker there then overruled the point of order raised in this connection.

The question that clause 9 do stand part of the Bill was then put and agreed to.

*Clause 10.*

(**Dr. SURESH CHANDRA BANERJI:** Sir, I beg to move that for sub-clause (I) of clause 10, the following sub-clause be substituted, namely:—

“(I) The Vice-Chancellor shall be a whole-time officer of the University and shall be appointed by the Chancellor upon the recommendation of the Syndicate. The Syndicate shall send forward one name only to the Chancellor. He may refer back the name but will not initiate the appointment himself. The Vice-Chancellor shall hold office for a term of six years and be paid from the University fund a consolidated salary of two thousand and five hundred rupees *per mensem* inclusive of allowances and shall not be re-eligible”.)

**Mr. SPEAKER:** There is one thing, namely, “shall not be re-eligible” which is not clear. I think you should add the word “for appointment” after the word “re-eligible”.

**Dr. SURESH CHANDRA BANERJEE:** Sir, I have no objection to adding the two words “for appointment” after the word “re-eligible”.

**Dr. P. C. GHOSH:** Sir, I beg to move that in clause 10(I), line 3, the words “in consultation with the Minister” be omitted.

**SJ. CHARU CHANDRA BHANDARI:** Sir, I beg to move that in clause 10(I), line 7, for the word “four” the word “six” be substituted.

I beg also to move that in clause 10(I), line 7, after the word “and” the following be inserted, namely:—

“shall not be eligible for re-appointment. He shall”.

**Dr. SURESH CHANDRA BANERJI:** মাননীয় স্পীকার মহোদয়, আমার amendmentএর অর্থ পূর্বই স্পষ্ট। এ সম্বন্ধে আমি আগেই যথেষ্ট বলেছি। তবে যেহেতু এই ব্যাপারটি অত্যন্ত গুরুতর এবং Vice-Chancellor appointment খুব vital matter এজন্য Vice Chancellorএর নিয়োগ সম্বন্ধে আমাদের খুব সতর্ক হওয়া দরকার এবং এর নিয়োগ যদি আমরা ঠিক-বত না করি তবে বিশ্ববিদ্যালয়ের সংস্কারের যত চেষ্টাই করি না কেন সব চেষ্টাই বিফল হতে বাধ্য। এজন্য এ সম্বন্ধে আপে একবার যা বলেছি তা সংক্ষেপে আবার বলছি।

আমার amendment-এর যা বক্তব্যবিষয় তা প্রায় সর্বত্র নেওয়া হয়েছে রাধাকৃষ্ণ কমিশনের সুপারিশ থেকে। মাননীয় মহোদয়গণ আক্রমণ করে বলেছিলেন আমার amendment-এর সব বিষয়-বস্তু রাধাকৃষ্ণ কমিশনের সুপারিশ থেকে নেওয়া হয় নি। অর্থাৎ যে সমস্ত amendment দিয়েছি প্রায় সব amendment Radhakrishnan Commission-এর recommendation অনুসারে দিয়েছি, অবশ্য কিছু কিছু পার্থক্য আছে। চক্ষুসাক্ষর বলেছেন যে সমস্ত ব্যাপার আমরা vital মনে করি যার উপর বিশ্ববিদ্যালয়ের ভবিষ্যৎ নির্ভর করে, সেসব জায়গায় Radhakrishnan Commission-এর recommendation-এর উপর নির্ভর করেছি। তাই Vice-Chancellor-এর নিয়োগ সম্বন্ধীয় সংশোধনী প্রস্তাবের বিষয়বস্তু হুবহু কমিশনের recommendation থেকে নেওয়া হয়েছে। আর বলতে চাচ্ছি--He must be a wholetime officer of the University. এ আমাদের বিলই আছে। সুতরাং এ সম্বন্ধে আমার কিছু বলার নেই। দ্বিতীয় কথা হচ্ছে, "He shall be appointed by the Chancellor upon the recommendation of the Senate." বিলে আছে যে syndicate থেকে তিনজন লোকের নাম পাঠান হবে এবং Chancellor শিক্ষামন্ত্রী সঙ্গে পরামর্শ করে তাদের মধ্যে থেকে একজনকে Vice-Chancellor নিযুক্ত করবেন। আমি আগেই বলেছি যদি এরকম করা হয়--বিলে যেক্ষপ বলা হয়েছে সেক্ষপ করা হয়--তবে Vice-Chancellor will be a nominee of the Government. কারণ আমাদের নতুন শাসনতন্ত্র অনুসারে ঠিক হয়েছে যে Governor একজন অধ্যক্ষী হবেন। (A VOICE : Not necessarily.) It has almost been settled এবং সম্ভবতঃই শিক্ষামন্ত্রী যা বলবেন তার recommendation অনুসারে তিনি কাজ করতে বাধ্য হবেন। ফলে গভর্নমেন্টের একজন nominee Vice-Chancellor হবেন এবং বিশ্ববিদ্যালয়ের প্রধান স্তম্ভ যদি একজন গভর্নমেন্টের nominee হন, তাহ'লে ক্রমশঃ ক্রমশঃ বিশ্ববিদ্যালয় যে গভর্নমেন্টের একটি ডিপার্টমেন্টে পরিণত হবে, সে বিষয়ে কোন সন্দেহ নাই। তার জন্য আমি আমার সংশোধনী প্রস্তাবে বলেছি যে Syndicate Vice-Chancellor নিয়োগের জন্য একটিনাত্র নাম দিবেন এবং Chancellorকে সেই নামের যে ব্যক্তি তাকে Chancellor রূপে নিয়োগ করতে হবে। কিন্তু যদি কোন কারণে Chancellor তাকে নিয়োগ করতে না পারেন, তবে তিনি পুনরায় syndicate-এর কাছে অন্য আর একটি নাম চাইতে পারেন। কিন্তু কোন অবস্থায়ই নিজের ইচ্ছানুসারে বা শিক্ষামন্ত্রীর সঙ্গে পরামর্শ করে কাউকে Vice-Chancellor-এর পদে নিয়োগ করতে পারবেন না।

তারপর একবার যিনি নিযুক্ত হবেন Vice-Chancellor-এর পদে, তাঁর পুননিয়োগ আর হ'তে পারবে না। যদি পুননিয়োগের সম্ভাবনা থাকে তাহ'লে পুননিয়োগের প্রলোভনে অনেক অবমাননা তাকে স্বীকার করতে হবে; নানা প্রকারে গভর্নমেন্টের খোশামোদ তাঁকে করতে হবে। মানুষ ভগবানও নয়, দেবতাও নয়, সাধারণ মানুষ মাত্র। তার লোভ থাকে, আশা-আকাঙ্ক্ষা থাকে, তার দুর্বলতা থাকে। সুতরাং Vice-Chancellor যদি চার বৎসরের জন্য নিযুক্ত হন, যেমন বিলে ব্যবস্থা করা হয়েছে এবং তার পুননিয়োগের যদি অধিকার থাকে, যাদের দ্বারা তিনি পুননিযুক্ত হবেন : Chancellor, Education Minister, তাঁদের তিনি খোশামোদ করে চলবেন। কারণ তিনি মানুষ, মানুষকে মানুষ মনে করে সব সময় কাজ করা উচিত। মানুষকে দেবতা বা ভগবান মনে করলে ভুল হবে। সুতরাং পশ্চিম বাংলার সেই একটি মাত্র বিশ্ববিদ্যালয় যার অতীত ঐতিহ্য অতি উজ্জ্বল যা অতীতে সমস্ত ভারতবর্ষে আলো বিকীরণ করেছে, আমাদের প্রাণপণ চেষ্টা করা উচিত সেই কলিকাতা বিশ্ববিদ্যালয়কে চিরকালের জন্য শাধা ভারতের আদর্শরূপ করে রাখা। তার মধ্যে যাতে কোন দুর্নীতি প্রবেশ না করে, সর্বদা সত্যস্তর উজ্জ্বল হ'য়ে থাকে, তার জন্য সর্বপ্রকার ব্যবস্থা করতে হবে। এই জন্য Vice-Chancellor--যিনি বিশ্ববিদ্যালয়ের প্রধান স্তম্ভ, যার উপর সমস্ত বিশ্ববিদ্যালয় নির্ভর করে তাঁর নিয়োগ সম্বন্ধে এমন ব্যবস্থা করতে হবে যেন প্রলোভনের আঁচ সহজে তাঁকে স্পর্শ করতে না পারে। এই জন্য তাঁকে পুননিয়োগের সুবিধা দেওয়া বিধেয় নহে।

একজন Vice-Chancellor চার বৎসরে বিশেষ কিছু করতে পারে না। সমস্ত administration তাঁর হাতে ন্যস্ত। Universityর শিক্ষাব্যবস্থা কিভাবে চলবে, তার নীতি কি হবে--জও টিক করবার

তার তাঁর উপর অনেকখানি নির্ভর করে। যখন তাঁর পুননিয়োগের ব্যবস্থা থাকবে না, তখন তাঁর কার্যকাল ছয় বৎসর করা উচিত—রাধাকৃষ্ণ কমিশনের recommendationও এরূপ। আমার প্রস্তাব হচ্ছে তিনি একজন wholetime officer হবেন—যেমন বিলে আছে এবং তার নিয়োগ হবে on the recommendation of the syndicate and not in consultation with the Education Minister.

তৃতীয় কথা হচ্ছে তাঁর কার্যকাল হবে ছয় বৎসর। তাঁর পুননিয়োগের কোন অধিকার থাকবে না—সাইনে ও ভাতা সব নিয়ে পাবেন আড়াই হাজার টাকা। এই বিলেও তাই আছে। আমি খুব মনোযোগ দিয়ে বুধাম্বরী মহাপণ্ডের বক্তৃতা শুনেছি, শিক্ষামন্ত্রীও শুনেছি। আমার এই প্রস্তাবের বিরুদ্ধে তাদের কাছ থেকে এখন পর্যন্ত কোন যুক্তি আমি শুনি নাই। যদি কোন যুক্তি থাকে, তা, ধুলে বুলুন। যদি তা না থাকে, তাহলে গভর্নমেন্টের কাছে আমার সনির্বন্ধ অনুরোধ বিষয়টা অত্যন্ত গুরুতর, আমার ন্যায়সঙ্গত এই প্রস্তাব, রাধাকৃষ্ণ কমিশন দ্বারা সমর্থিত, তা গভর্নমেন্ট গ্রহণ করুন।

**8J. CHARU CHANDRA BHANDARI :** মাননীয় শ্রীকার মহাপণ্ড, ডাঃ স্বরেশ চন্দ্র ব্যানার্জী মহাপণ্ড যে কথা বললেন তার সঙ্গে আমি সম্পূর্ণ একমত। আমি শুধু একবার বিলুপ্ত ক'রে ভারপ্রাপ্ত সভ্য মহাপণ্ডকে দেখতে বলি তাঁদের যে proposal তাতে Vice-Chancellor কি দাঁড়ায়। Chancellor আগে গভর্নমেন্টের সঙ্গে পরামর্শ করে তবে Vice-Chancellorকে appoint করবেন।<sup>\*</sup> অবশ্য কয়েকজনের একটা panel ক'রে নাম পাঠাবেন University. তাঁকে প্রথমে চার বৎসরের জন্য appointment দেওয়া হচ্ছে এবং পরে তিনি will be eligible for re-election. এই অবস্থা যদি হয় তাহ'লে, অবস্থা কি দাঁড়াবে দেখুন। যিনি Vice-Chancellorএর পদে নিযুক্ত হবেন, তিনি weak Vice-Chancellor হবেন, তাঁকে গভর্নমেন্টকে সর্বদা খোশামোদ করতে হবে, কারণ, reappointmentএর জন্য তার অন্তরে খালনা থাকতে পারে। সে গভর্নমেন্টকে খোশামোদ ক'রে চলবে, কারণ appointment আবার যখন হবে তখন গভর্নমেন্টের ইচ্ছার উপর নির্ভর করবে। অন্যদিকে independently ভাবে সে কাজ করতে পারবে না এবং Universityর মধ্যে panel selectionএ তার নাম যাতে থাকে তাই জন্য তাঁর চেষ্টা করতে হবে।

তিনি তাঁর বক্তৃতার Radhakrishnan committeeএর reportএর কথা বললেন, আমি তাঁকে পূর্বে বলেছি, যেখানে vital জায়গা সেখানে তাঁর recommendation গ্রহণ করেন নি। Constitutionএ কোথায় senate constitution এবং syndicate constitutionএ দুই জনের জায়গায় চার কি পাঁচ জন লোক হবে এটা তাঁরা নিচ্ছেন। এইটা তাঁরা দেখাচ্ছেন, কিন্তু most important যে জায়গা সেটা তিনি গ্রহণ করেন নি। এই জায়গাতে আমরা Radhakrishnan Committeeএর recommendation যা তা নিতে বলছি। এবং তাতে আছে—সবচেয়ে ভাল হয় যদি Vice-Chancellor's tenure of office indefinite করা যায়। যেমন বিলাতের Universityতে আছে for life—একবারে তাঁরা হবেন। কিন্তু হঠাৎ এই রকম একটা drastic change, খুব expedient হবে না। এই জন্য Radhakrishnan Committee recommends যে এটা ছয় বৎসরের জন্য হোক এবং তাঁর appointment করা হোক not eligible for re-election on reappointment,—আমরাও সেই কথা বলেছি।

Radhakrishnan Committeeএর reportএ বলা আছে যে তাঁর appointmentএর জন্য গভর্নমেন্টের কোন অনুমোদন লাগবে না, আমিও সেই কথা বলছি, এবং ভারপ্রাপ্ত সভ্য মহাপণ্ডকে অনুরোধ করি তিনি যেন, এই যে vital জায়গা এখানে Radhakrishnan Committeeএর recommendation গ্রহণ করুন।

এটা করার একমাত্র কারণ বা কৈফিয়ৎ ও অন্তর্নিহিত যুক্তি হচ্ছে যে বর্তমান কলিকাতা ইউনিভার্সিটিকে সরকারী departmentএর কৃষ্ণগত করা—এছাড়া আর কোন কারণ হতে পারে না। Tenure of office সম্বন্ধে Radhakrishnan Committeeএর যে observation সেটা আমি হাউসের সারনে উপস্থাপিত করছি।

"We feel however that to require or to allow re-election is unwise. We have had deplorable evidence that from the day of his appointment a Vice-Chancellor's every decision is liable to be swayed by his need to secure votes for his re-election, and that he may refuse to take quite necessary action for fear of consequent unpopularity. Even where this is not the case, the suspicion that it may be the case does almost equal harm. We believe that our proposals will go far towards eliminating the appointment of such weak Vice-Chancellors, but still we think it unfair to subject them to this difficulty. The simplest way of avoiding re-election would be to make his tenure of office indefinite, as in U.S.A., or subject only to the same retiring age as professors, as in the unitary universities of Great Britain. Some of us believe that this is the ideal plan, but yield reluctantly to the opinion of our majority that this involves a more drastic change from present practice than it would be wise to commend. We therefore unanimously recommend that all Vice-Chancellors should be appointed for six years and should not be eligible for re-election."

এই unanimous decision of the Radhakrishnan committee কেন তিনি গ্রহণ করলেন না, সেই ভিন্টিফা যদি ভারপ্রাপ্ত সমস্য বহানর সকলের সামনে বিবৃত করেন তাহলে আমরা বুঝতে পারব। কিন্তু তিনি এটাকে কবিতার মধ্যে রেখে, শুধু চার বৎসরের নয়, ছয় বৎসর পরেও তিনি eligible for reappointment করেন বলা হচ্ছে। On the other hand শুধু Government approval নয়, Government consultation with the Education Minister করতে হবে এ বিধান কেন করলেন? এর উদ্দেশ্য কি? গভর্ণমেন্টের ক্রমে ক্রমে tendency হচ্ছে যতই দিন যাচ্ছে, যেখানে যে public institution আছে সেগুলিকে নিজস্বের department-এর ভিতর কৃত্রিম করবার একটা প্রবণতা দেখতে পাওয়া যাচ্ছে। এবং এটাও তার একটা প্রকৃষ্ট উদাহরণ।

**Dr. P. C. CHOSH:** Mr. Speaker, Sir, this is an important clause of the whole Bill and the Hon'ble Education Minister was accusing the Opposition for quoting from the Radhakrishnan Commission to suit their convenience, but I do say, "Sir, he was guilty of the same offence because he was also quoting from authorities and whenever a lawyer or whoever he may be quotes from authorities, he quotes to suit his convenience. Therefore I do say, Sir, I do not want to stand on authorities. Let us all stand on reason. If a thing is reasonable we shall accept it; if a thing is unreasonable, whether it comes from a high authority or not, let us reject it—let us stand on that. So the question is whether in the appointment of the Vice-Chancellor the Government should have a hand and should have, I should say, a predominant voice more or less. That is the main question. Here the unanimous recommendation of the Radhakrishnan Commission was to give the Syndicate practically the main power to recommend one name and the Chancellor might disapprove of that name and may refer it back and the Syndicate may suggest another name. It is not mentioned what the Chancellor will do, supposing the second name is also found not suitable. Or even if the Syndicate send the same name back saying "this is the name that we refer back again, that we suggest again", what will the Chancellor do? The Chancellor will have to accept one name or the other, because otherwise there will be a deadlock, and there cannot be a deadlock."

Sir, I as a member of the Select Committee accepted fully clause 7 knowing the full implications of it. And, as I said the other day, the State shall have the right but that does not mean that the State shall exercise that right every time. The State shall exercise this right only when it thinks it is absolutely necessary, but if the State misuses this right, then there is some other remedy for it. I hope that the State will not misuse that right. On that understanding I accepted Clause 7. But, Sir, where is the point after accepting clause 7 and arming the State with all possible

powers about the financial and other misuses excepting purely academic—and these adjectives like “purely” when they are used and go to the court, what happens? Whatever adjectives have been used in the Indian Constitution have been challenged in the court; one High Court has given one judgment and another High Court has given another judgment—it is very difficult to say whether a thing is purely academic or not. Who is to say that? It is very difficult to draw that line. (The Government has got sufficient power and then even in the appointment of the Vice-Chancellor if the Government wants to have sufficient power under the cover of sweet language, that will be like a sugarcoated quinine pill. If we want that pill, I do say that will not help the country; that will take away the autonomy of the University altogether. As I have said the other day nothing can be absolutely autonomous. There is no such thing as absolutely autonomous but, at the same time, some kind of practical autonomy should be there. About this “consultation with the Minister” it may be argued “he consults the Minister in the capacity of Chancellor; it is not binding”. Sir, it is more or less a legal quibbling, because he has to deal with the Education Minister and when he deals with the Education Minister, he accepts his advice; and when the Education Minister comes and deals with the Chancellor, whether his advice will not be more or less binding, it is very difficult to say, because it will be a difficult position for a man to function in dual capacity. We are living in a practical world and not in a theoretical or academic world. So, Sir, I would request even at this late stage the Education Minister and the Chief Minister also to accept either of the two things: either accept Dr. Banerji’s proposal or accept “without consultation with the Education Minister”. Either of the two things they should accept. As I was listening to the speeches of the Chief Minister and also of the Education Minister today, I was reminded of a famous sentence of Goethe “when we love, we are idealists and we attribute attributes to the beloved which the beloved does not really possess”. Sir, I would ask them to consider the whole thing and not to be simply enamoured of their own action and think everything they do to be very good, because there may be some dark spots even in the sun. I do say, Sir, “let them remove these spots” and in this particular appointment, the appointment of the Vice-Chancellor, who is the Chief Executive of the University, let the Government have no hand. Of course, if there is any misuse, as I pointed out, then the Government must have the right, must have the power that has been given under section 7. When that has been given, no more power is necessary as far as the appointment of the Vice-Chancellor is concerned, and whatever may be the period whether it is four years or five years or six years, he should not be re-eligible. It is better that he should not be re-eligible. I was in the Select Committee. I agreed, but I do say, Sir, that I do not stand on convention. Even if I find, at a later stage something is more reasonable, I will request the Education Minister also in that direction. I do feel, Sir, that in making the period four years or five years, he should not be re-eligible. Re-eligibility, I think, will make the matter worse. Therefore, as a practical man—my friend Dr. Banerji said “man is man; let us not think of man as God”—I do say, I do appeal to both the Chief Minister and the Education Minister to consider this and make the University really autonomous. At the same time, if they misuse the power, they should curb the University.)

With these words I do appeal to the Chief Minister and the Education Minister to consider these points.

**Janab Syed BADRUDDUJA:** (Sir, I wholeheartedly endorse the views expressed just now by my honourable friend Dr. P. C. Ghosh. As I have made it abundantly clear in my speech just now that this clause for the appointment of Vice-Chancellor of the Calcutta University in consultation

with the Minister seems to be rather odious and does not fit in with the conception of democracy that we uphold at this stage. What is the necessity of the Minister coming in? As I emphasized a few minutes ago appointment of the Chief Executive of the University of Calcutta by the Syndicate itself would be sufficient. Even then the Chancellor is there who is one who may or may not approve the recommendations of the Syndicate. The Chancellor is there not in the capacity of the Governor of the Province. The Chancellor is there as the supreme head of the University and the Vice-Chancellor should be the supreme executive head of the University of Calcutta and all the relations are to be determined between the Chancellor and the Vice-Chancellor. When the appointment of the Chief Executive of the University of Calcutta affects the University as such, I do not see any reason how a foreign agency or a foreign body like the Ministry of the Government of India or Government of Bengal or for the matter of that Hon'ble Education Minister should fit in in the entire scheme of things. I would, therefore, suggest and appeal to the Government even at this late stage to delete that portion "in consultation with the Minister". That will make the thing acceptable to all sections of the House and there will be no cause for misgiving or doubt in the minds of the public outside as well. )

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** It seems to me that the objection to this clause has come from two aspects of the question. Dr. Suresh Chandra Banerji says: there should be no three names sent up; there should be one name and that the Chancellor may accept or return the name to the Senate for further consideration and that the appointment should be for six years and that he should not be re-eligible for appointment. In the amendment he does not say anything about the consultation with the Education Minister, but I presume that this is implied in the amendment that he has put forward. Now, Sir, he says "a man shall be regarded as a man"; you must remember that he is an imperfect being, and therefore he says "why put in temptation". Sir, I ask him this question: the Syndicate members are to nominate one person. Is it not possible that the person whom they nominate is a person who can manipulate other members of the Syndicate and form a clique in the Syndicate? He is not thinking of human nature from that angle. I do ask him to consider this question: that if you give one name to the Chancellor—I am referring to that particular point—is it not a fact that the man who can manipulate most of his colleagues, a man who can canvass, best will get in and not necessarily a man who is the best man among the members of the Syndicate? The other question is that the members of the Syndicate may select a person from outside the body of the Syndicate. It is possible but it is not probable, because the Syndicate members will naturally consider their own members to be more eligible than outsiders. Sir, it is a point which I feel, very strongly having had long connection with the University or other bodies about which Syed Badrudduja has said so many times. I have had connection with various public institutions and I am at one with Dr. Banerji that I should look to the human nature and to human beings as persons of imperfect nature and, therefore, I must be careful as to what power we give to a body of men, however clever, however academic, however great they may be. Therefore, Sir, it was deliberately put down that there should be 3 names sent to the Chancellor. In the Bill before it was reported on by the Select Committee there was a provision that the name of only one person who should be a member of the Syndicate should be sent to the Chancellor. That clause has been improved upon which gives us larger scope than it would be possible if we restricted the number to only one.

Sir, the second point is that he should be re-eligible. Sir, we seem to doubt the capacity of a human being. With my experience as a Vice-Chancellor, I feel that if you want to take in a particular measure of



reform in the University, if I am an honest fellow, often two years' or four years' time is sometimes much too short a period. The greatest architect of the University of Calcutta has been Sir Ashutosh and he was the Vice-Chancellor of the University for 8 or 9 years. Can anybody say that his connection with the University was such that he was not working in the interest of the University, in the cause of education as such? Therefore, Sir, it was left vague in the Bill as to whether he should be re-eligible or not. Supposing A is a brilliant and remarkable man who has done good work for four years, why should he not be selected by the Syndicate? At least the Syndicate can put his name as one of the three names to the Chancellor for his choice. I do not see any reason to suspect all human beings to become corrupt if one be in the same position for more than once.

My friend Sj. Charu Chandra Bhandari if he is nothing else he is always candid. He said that there must be some motive behind this clause. He always feels that there is a subterranean thing in every measure that is put before the Assembly by the Government. This is a matter in which there may be honest difference of opinion. We may be equally honest on both sides in our feeling about how to go about this particular measure. Up till now the Vice-Chancellor has been selected by the Government and not by the Chancellor. The new departure that has been made is that he will be elected by the Chancellor and not by the Governor. That is cut off from the present system. Secondly, the Chancellor will have the guidance or suggestions from the Syndicate regarding three names. It is expected that the Syndicate will in the interest of the University put forward three names of persons who are really capable of managing the affairs of the University.

Sir, then comes the question as to whether the Minister of Education should be consulted. In that there seems to be difference of opinion, as I said there may be honest difference of opinion on this point. I feel, Sir, that in future the Minister of Education would be one who would be under the adult franchise scheme a popular Minister. I realise that there was a time when we in the old Legislative Council fought the Government in those days on this issue and on many other issues of a similar character so far as the relationship of the Government and the University were concerned, but I feel that it is much better to consider that the Minister of Education is a responsible person respected by the Legislature and by the public, who carries the confidence of the people and if he is to give advice to the Governor or the Chancellor should any one cavil at him? (I do not say that if the Minister of Education is not in the picture, the Chancellor would not be able to select proper person. Both sides are correct, but at the same time I feel that it is much better that the Vice-Chancellor or the Chancellor after consultation with the Minister is likely to have some amount of indirect approval of the Minister. The Vice-Chancellor is to carry on his administration particularly so far as financial aspect is concerned, has to approach the Government from time to time for various helps and it would be better I think on the whole if the Chancellor were to give to the Minister of Education an opportunity by way of courtesy by asking his opinion. Of course the Chancellor is not bound by the Minister of Education, the Chancellor is not bound by the one name selected by the Syndicate. He has got choice of 3 names, he consults all the authorities, he consults education authorities, the Syndicate gives him advice, he gets advice from the administrative side of education and then he selects the person. I hope and trust that the Chancellors in future will have so much faith in themselves that they will not waive either by the influence or by the opinion of the Syndicate on the one hand or the Ministry of Education on the other. Therefore I do feel that the whole thing depends upon what approach we make with regard to this problem. If you feel that the Minister of education is a person who does not enjoy the confidence of the people so far as the

help to education is concerned, so far as the encouragement for the advancement of education is concerned, naturally, Sir, that Minister of Education should have no voice. On the other hand, if the Minister of Education takes interest in education, takes interest in seeing that the University education is carried on efficiently, sees that education is given more and more money from time to time and gives help in various ways, it is as well that before selection of the Chief Executive Officer, the Governor or the Chancellor were to consult the Education Minister on this point.)

Sir, that is my personal view with regard to this matter.

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** Sir, I have nothing further to add.

(At this stage the House was adjourned for 15 minutes.)

(After adjournment.)

The motion of Dr. Suresh Chandra Banerjee that for sub-clause (I) of clause 10, the following sub-clause be substituted, namely:—

“(I) The Vice-Chancellor shall be a whole-time officer of the University and shall be appointed by the Chancellor upon the recommendation of the Syndicate. The Syndicate shall send forward one name only to the Chancellor. He may refer back the name but will not initiate the appointment himself. The Vice-Chancellor shall hold office for a term of six years and be paid from the the University fund a consolidated salary of two thousand and five hundred rupees per mensem inclusive of allowances and shall not be re-eligible for appointment,”

was then put and a division taken, with the following result:—

#### NOES—30.

Abdus Shokur, Janab.  
Banerjee, Sj. Sushil Kumar.  
Bhattacharyya, Sj. Shyamapada.  
Chaudhuri, The Hon'ble Rai Harendra Nath.  
Clarke, Mr. C. E.  
Das, Sj. Radha Nath.  
Dass, Sj. Kanailal.  
Dolui, Sj. Harendra Nath.  
Dutt-Mazumdar, The Hon'ble Niharendu.  
Ganguli, Sj. Bepin Behari.  
Gayen, Sj. Arabinda.  
Golam Hamidur Rahman, Janab.  
Gupta, Sj. J. C.  
Mahammad Kased Ali, Janab.  
Mahanty, Sj. Charu Chandra.

Maiti, The Hon'ble Nikunja Behari.  
Majumdar, The Hon'ble Shupati.  
Mal, Sj. Iswar Chandra.  
Mandal, Sj. Annadaprasad  
Mookerjee, The Hon'ble Kallipada.  
Mudassir Hossain, Janab.  
Murarka, Sj. Basantial.  
Panja, The Hon'ble Jadabendra Nath.  
Pramanik, Sj. Rajani Kanta.  
Rafuddin Ahmed, The Hon'ble Dr.  
Roy, The Hon'ble Dr. Bidhan Chandra.  
Sen, The Hon'ble Prafulla Chandra.  
Shamsul Huq, Janab.  
Sinha, The Hon'ble Bimal Chandra.  
Zaman, Janab A. M. A.

#### AYES—6.

Badrudduja, Janab Syed  
Bandopadhyaya, Sj. Pramatha Nath.  
Banerji, Dr. Suresh Chandra.

Bhandari, Sj. Charu Chandra.  
De, Sj. Kanai Lal.  
Ghosh, Dr. P. C.

The Ayes being 6 and the Noes 30, the motion was lost.

The motion of Dr. P. C. Ghosh that in clause 10(1), line 3, the words "in consultation with the Minister" be omitted was then put, and a division taken with the following result:—

## NOES—34.

Abdus Shokur, Janab.  
Banerjee, Sj. Sushil Kumar.  
Barman, The Hon'ble Syama Prasad  
Bhattacharyya, Sj. Shyamapada.  
Chaudhuri, The Hon'ble Rai Harendra  
Nath.  
Clarke, Mr. C. E.  
Das, Sj. Radha Nath.  
Dass, Sj. Kanailal.  
Dolui, Sj. Harendra Nath.  
Dutt-Mazumdar, The Hon'ble Niharendu.  
Ganguli, Sj. Bepin Behari.  
Gayen, Sj. Arabinda.  
Golam Hamidur Rahman, Janab.  
Gupta, Sj. J. O.  
Kazem Ali Mirza, Janab Shahibzada  
Kawan Jah Saiyid  
Mahammad Kased Ali, Janab.

Mahammad Sayeed Mia, Janab.  
Mahanty, Sj. Charu Chandra.  
Maiti, The Hon'ble Nikunja Behari.  
Majumdar, The Hon'ble Bhupati.  
Mal, Sj. Iswar Chandra.  
Mandal, Sj. Annadaprasad.  
Mookerjee, The Hon'ble Kalipada.  
Mudassir Hossain, Janab.  
Muhammad Siddique, Dr. Syed.  
Murarka, Sj. Sasantlal.  
Panja, The Hon'ble Jadabendra Nath.  
Pramanik, Sj. Rajani Kanta.  
Rafuddin Ahmed, The Hon'ble Dr.  
Roy, The Hon'ble Dr. Bidhan Chandra.  
Sen, The Hon'ble Prafulla Chandra.  
Shamsul Huq, Janab.  
Sinha, The Hon'ble Bimal Chandra.  
Zaman, Janab A. M. A.

## AYES—6.

Badrudduja, Janab Syed  
Bandopadhyaya, Sj. Pramattha Nath.  
Banerji, Dr. Suresh Chandra.

Bhandari, Sj. Charu Chandra.  
De, Sj. Kanai Lal.  
Ghosh, Dr. P. C.

The Ayes being 6 and the Noes 34, the motion was lost.

The motion of Sj. Charu Chandra Bhandari that in clause 10(1), line 7, for the word "four" the word "six" be substituted was then put and lost.

The motion of Sj. Charu Chandra Bhandari that in clause 10(1), line 7, after the word "and" the following be inserted, namely:—

"shall not be eligible for reappointment. He shall"  
was then put and lost.

The question that clause 10 do stand part of the Bill was then put and agreed to.

## Clause 11.

**SJ. SUSIL KUMAR BANERJEE:** Sir, I beg to move that in clause 11(5), line 3, for the words "officers and teachers" the words "Teachers and other employees" be substituted.

The motion was then put and agreed to.

The question that clause 11, as amended, do stand part of the Bill was then put and agreed to.

## Clause 12.

**DR. SURESH CHANDRA BANERJI:** Sir, I beg to move that in clause 12(1), line 1, after the words "by the Chancellor" the words "on the recommendation of the Syndicate" be inserted.

মাননীয় Deputy Speaker মহোদয়, এই ধারাটি নির্বাচিত কনিষ্ঠ বেক বেভাবে এসেছে তাতে যে মূল বিলের উপর অনেকখানি উন্নতি সাধিত হয়েছে তাতে সন্দেহ নাই। মূল বিলে ছিল—Shall be appointed by the Chancellor after consideration of the recommendation of

the Syndicate in consultation with the Minister of Education. শিক্ষামন্ত্রী সঙ্গে পরামর্শ করে treasurer নিয়োগের যে প্রস্তাব ছিল তা বাত পড়েছে—এই নূতন ধারায় যা নির্বাচিত কমিটি থেকে ঠিক হয়ে এসেছে। কিন্তু তবু আমাদের আপত্তি রয়েছে। আপত্তির কারণ এই যে, Chancellor treasurerকে appoint করবে। Chancellor নিশ্চয়ই কারো সঙ্গে পরামর্শ করে treasurer appoint করবেন এবং এই পরামর্শ বোধ হয় সব্বদেব Vice-Chancellorএর সঙ্গে। এমন কি যদি তিনি শিক্ষামন্ত্রীর সঙ্গে পরামর্শ করেন তাহলে আশ্চর্য হবার কিছু থাকবে না। Vice-Chancellor বা Education Ministerএর সঙ্গে পরামর্শ করার পাখকা বিশেষ কিছু হবে না, কারণ আগেকার ধারানি পালন করে Vice-Chancellorকে শিক্ষামন্ত্রীর একজন nomineeতে পরিণত করা হয়েছে। স্ততবাং যাব সঙ্গেই পরামর্শ করুন তিনি একজন (Governmentএর nominee হতে বাধ্য। কাজে কাজেই treasurerও একজন Government nominee হবেন। এই ধারা এইভাবে পালন হলে Vice-Chancellorতা Government nominee হয়েছেনই, Chancellorতা Governor আছেনই আর treasurerও এইভাবে appointed হওয়ায় গভর্নমেন্টের nominee হবেন। ফলে আমি আগে যা বলেছি democratic constitution সত্ত্বেও Calcutta Universityকে Governmentএর অন্যতম বিভাগে পরিণত করা হবে। Treasurer is next to the Vice-Chancellor in importance. তার কর্মতা খুব বেশী। তিনি Finance কমিটির Chairman. এই জন্য আমার প্রস্তাব এই যে, treasurerকে Chancellorই নিযুক্ত করবেন বটে, কিন্তু তিনি Syndicateএর recommendation উপর তাঁকে নিযুক্ত করুন; নইলে তাঁকে Vice-Chancellor কিবা Education Ministerএর সঙ্গে consult করে করতে হবে। এবং সেইজন্যই আমি স্পষ্ট করে বলতে চাই--the Chancellor shall appoint the treasurer on the recommendation of the Syndicate. এই সংশোধনী প্রস্তাবটা গ্রহণ করা হলে যে সর্বাঙ্গ কলিকাতা বিশ্ববিদ্যালয় সম্পর্কে গভর্নমেন্ট করতে যাচ্ছেন তা বন্ধ করা সম্ভব হবে। এই জন্য শিক্ষামন্ত্রীর কাছে আমার বিশেষ অনুরোধ তিনি আমাদের এই সংশোধনী প্রস্তাবটি গ্রহণ করুন।

**SJ. KANAI LAL DÈ:** সভাপাল মহাশয়, শ্রদ্ধেয় ডাঃ স্বরেশ চন্দ্র বন্দ্যোপাধ্যায় মহাশয় যে সংশোধনী প্রস্তাব উত্থাপন করেছেন আমি তার সমর্থনে দু'একটি কথা বলব। ইতিপূর্বে যে clause accepted হয়েছে যে Vice-Chancellor appointed হবেন Chancellorএর দ্বারা শিক্ষামন্ত্রীর সঙ্গে পরামর্শক্রমে। তারপরে যদি treasurerএর appointmentও শিক্ষামন্ত্রী বা Vice-Chancellorএর পরামর্শমতেই যে হয় তাহলে তিনি যে তাদের তাঁবেদার ব্যক্তি হবেন তাতে সন্দেহ নাই। আর তাহলে কলিকাতা বিশ্ববিদ্যালয় ঠিক West Bengal Governmentএর একটি বিভাগেই পরিণত হবে। কোনদিক দিয়েই বিশ্ববিদ্যালয়ের নিজের স্বাধীনতা ও স্বাভাব্য থাকবে না। এক বিধানই তাঁরা ছাড়লেন না, আরাব দ্বিতীয় বিধান যোগ করেছেন। এই অবস্থায় যদি treasurerকে Syndicateএর recommendation মত Chancellor নিয়োগ করেন তাহলেও Universityর কিছুটা স্বাভাব্য বজায় থাকে। স্ততবাং যাতে এই সংশোধনী প্রস্তাব গৃহীত হয় সেজন্য অনুরোধ জানাচ্ছি।

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** Mr. Speaker, Sir, I am sorry I cannot accept the amendment. Sir, consultation with the Minister of Education has been cut out and now the whole power rests with the Chancellor. But there is an apprehension in the mind of the Opposition that the Chancellor must consult the Vice-Chancellor or the Minister. Now that suspicion can hardly be removed by the Treasury Benches. There is no provision, not a single word there in the clause as it stands, that the Chancellor will be bound to consult anyone or even the Vice-Chancellor. So there is no ground for any reasonable apprehension that the Chancellor's discretion is fettered in any way. If the Opposition is over-suspicious, it is very difficult for the Government to remove their suspicion.

The motion of Dr. Suresh Chandra Banerji that in clause 12(7), line 1 after the words "by the Chancellor" the words "on the recommendation of the Syndicate" be inserted, was then put and lost.

The question that clause 12 do stand part of the Bill was then put and agreed to.

*Clause 13.*

The question that clause 13 do stand part of the Bill was then put and agreed to.

*Clause 14.*

The question that clause 14 do stand part of the Bill was then put and agreed to.

*Clause 15.*

The question that clause 15 do stand part of the Bill was then put and agreed to.

*Clause 16.*

The question that clause 16 do stand part of the Bill was then put and agreed to.

*Clause 17.*

**SJ. SUSIL KUMAR BANERJEE:** Sir, with your permission I beg to move the following short-notice amendment, namely, that in clause 17(I)(va), for the words "University Professors" the words "the heads of departments of teaching of the University who are either University Professors or University Readers" be substituted.

I also beg to move that in clause 17(I), for items (vi) to (xii) the following be substituted, namely:—

- “(vi) the President, Bangiya Sahitya Parisad;
- (vii) the Director, Bose Institute;
- (viii) the President, Indian Association for the Cultivation of Science;
- (ix) the President, National Council of Education;
- (x) the President, Royal Asiatic Society of Bengal;
- (xi) the President, Vangiya Sanskrita Siksha Parishat;
- (xii) the Chairman, West Bengal Board of Madrasa Education.”

I further beg to move that in clause 17(I), item (xiii), line 4, after the words “services to” the words “the cause of” be inserted.

I then beg to move that in clause 17(I), item (xvi), line 2, the words and brackets “(not being Constituent Colleges)” be omitted.

**Dr. P. C. CHOSH:** Sir, may I point out one thing? After the Bill came out of the Select Committee, there has been a material change after the amendment of S.J. Susil Kumar Banerjee. In the Select Committee it was decided that University Professors—

**Mr. DEPUTY SPEAKER:** Order, order. Let him move his amendment. We shall consider that later.

**SJ. CHARU CHANDRA BHANDARI:** On a point of privilege, Sir, 37 move করার পরে অন্য সব move করলে তারপর যদি ভোট নেন এ সম্বন্ধে আমার সে amendment 38 আছে ?

**Mr. DEPUTY SPEAKER:** ভোট নেওয়ার সময় 36 বলে নিতে হবে

**SJ. CHARU CHANDRA BHANDARI:** ‘এটুকুই assurance চাই তা নইলে বুঝিল হবে।

**9J. SUŞIL KUMAR BANERJEE:** *Sir, I beg to move that in clause 17(1)(xvii), line 2; for the words "University Readers or Heads of Departments" the words "University Professors or Readers who are not heads of departments of teaching" be substituted.*

I also beg to move that in clause 17(1), item (xviii), lines 1 and 2, the words "of whom one at least shall be a woman," be omitted.

I next beg to move that in clause 17(1), item (x), lines 3 and 4, the words and brackets "(not being Constituent Colleges)" be omitted.

I further beg to move that in clause 17(1), item (xii), lines 3 and 5, for the square brackets, round brackets be substituted.

I beg to move that in clause 17(2), for sub-clauses (b) and (c), the following be substituted, namely:—

"(b)(i) a person who holds the decree of a Master or a higher decree of the University of Calcutta as constituted prior to the appointed day, or

(ii) a graduate of the said University of at least three years' standing, who has paid a subscription of three rupees for the enrolment as a registered graduate for the purpose of the first election under clause (xvi) of subsection (1) and has been enrolled as such".

I also beg to move that in clause 17(3), lines 1 and 2, after the words "candidate for" the words "or exercise his vote at," be inserted.

I also beg to move that in clause 17(4), lines 1 to 3, for the first paragraph, the following be substituted, namely:—

"(4) Save as otherwise provided, an elected or nominated member of the Senate shall hold office for a period of three years from the date of his election or nomination, as the case may be".

**9J. CHÂRU CHÂNDRA BHANDARI:** I beg to move that in clause 17(1), for the items (xiv) to (xxvii) the following items be substituted, namely:—

"(xiv) three persons elected by the Principals of constituent Colleges (not being professional Colleges) from among themselves;

(xv) three persons, of whom one at least shall be a woman, elected by the Principals of affiliated Colleges from among themselves;

(xvi) two persons elected by the Principals of professional Colleges (not being constituent Colleges) from among themselves;

(xvii) three persons, of whom at least one shall be University Professor, elected by the Teachers of the University from among themselves;

(xviii) two persons, of whom one shall be a woman, elected by the Teachers of constituent Colleges (not being professional Colleges) from among themselves;

(xix) four persons, of whom one at least shall be a woman, elected by the Teachers of affiliated Colleges from among themselves;

(xx) three persons elected by the Teachers of professional Colleges (not being constituent Colleges) from among themselves;

(xxi) two persons elected by the members of the Governing Bodies of Colleges situated within Calcutta as defined in the Calcutta Municipal Act, 1923, from among themselves;

- (xxii) two persons elected by the members of the Governing Bodies of the Colleges within the Presidency Division of West Bengal (excluding Calcutta as defined in the Calcutta Municipal Act, 1923) from among themselves;
- (xxiii) two persons elected by the members of the Governing Bodies of the Colleges situated in the Burdwan Division of West Bengal from among themselves;
- (xxiv) fifty persons of whom at least five shall be graduates in Medicine and at least five graduates in Engineering, elected by the registered graduates from among themselves;
- (xxv) eight persons nominated by the Chancellor to secure the representation of the Professions, Industry, Agriculture, Commerce, Scientific or Technical Societies and persons eminent in Literature, Science, Fine Arts and Music".

I also beg to move that in the proposed amendment of Sj. Susil Kumar Banerjee to clause 17(2), item (bi)(i), line 1, for the word "three" the word "two" be substituted.

**SJ. KANAI LAL DE:** I beg to move that in clause 17(1), item (xxvi), line 1, for the words "twenty-five persons" the words "thirty persons" be substituted.

**DR. P. C. CHOSE:** Sir, I want to draw the attention of the Education Minister to one thing and that is with regard to amendment No. 35A now proposed by the Chief Whip of Government substituting the words "Heads of University departments of teaching, who are either Professors or Readers" for the words "University Professors" which latter words were the words accepted by the Select Committee. By this new amendment some Professors of the University will be eliminated; they will not automatically come in.

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** If he becomes the Head of a department he comes in automatically.

**DR. P. C. CHOSH:** Still there will be some University Professors who will not come in at all. It is an important change made by the Government after it had come from the Select Committee. Of course Government has the majority behind them and they can make any change they like but, when the Government referred this Bill to a Select Committee and when the Select Committee came to a unanimous decision with respect to a particular clause, if any amendment was later considered necessary with regard to the same clause, it should be done with the consent or knowledge of the Select Committee. Otherwise nothing is binding either on the Government or on the members of the Select Committee and that will lead to chaotic condition. [The Hon'ble Rai HARENDRA NATH CHAUDHURI: They are provided for in clause (xxv).] My friend the Education Minister says that it is provided for in another sub-clause. My view is that sub-clause (va) should be as it is, i.e., "University Professors" only, and you may make provision for heads of departments in a separate clause. That will cover the whole thing.

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** The amendments that have been moved by Mr. Susil Kumar Banerjee appear to be more logical because, Sir, in (va) the amendments seek to provide for the Heads of departments whether they be University Professors or Readers. So far as other professors are concerned they will come under (xvii). In (xvii), it is to be provided that of those fifteen members to be elected by the Teachers of the University from among themselves at least five shall be Professors. You will please read (va) along with (xvii). It will run as follows: "fifteen persons of whom at least five shall be Professors or Readers who are not Heads of Departments".

**Dr. P. C. GHOSH:** That means that they will have to go through election and in that process some professors may be eliminated. Therefore I do say to make it foolproof that let (va) remain as it is to cover all University Professors and you may add another sub-clause (vb) to cover the cases of Readers who are Heads of Departments. Otherwise you cannot cover all.

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** May I move a short-notice amendment to clause 17? I beg to move, with your permission, that after item (va), the following item be inserted, namely:—

“(vb) University Readers who are Heads of Departments”: and also that in item (xvii), after the words “fifteen persons, of whom at least five shall be University Readers”, lines 1 and 2, the words “who are not Heads of Departments” be inserted.

That will mean that all University Professors will automatically go into the Senate and University Readers who are Heads of Departments will get into the Senate and five of the Readers who are not Heads of Departments will also get into the Senate by election.

**Dr. SURESH CHANDRA BANERJI:** মাননীয় ডেপুটি স্পীকার মহাশয়, আমার এই যে সংশোধনী প্রস্তাব, এর উদ্দেশ্য অত্যন্ত সরল। সে হচ্ছে—The Senate is the governing body of the University এবং Universityর general administrationএ যা কিছু ঘোষ বা defect আছে, তাকে একটু soundভাবে করতে গেলে তার একমাত্র উপায় ইউনিভার্সিটিকে democratize করা; এবং democratize করতে গেলে সবচেয়ে বড় পন্থা হচ্ছে, তার যারা constituents অর্থাৎ তার যারা graduates তারাই হচ্ছে citizens, তাদের হাতে সমস্ত ক্ষমতা দেওয়া। অর্থাৎ তাদের দ্বারা যদি সম্ভব হ'ত, যারা graduates হবে তাদের দ্বারা সমস্ত membersকে elect করা হবে। কিন্তু বর্তমান অবস্থায় তা সম্ভব নয়। আমার যে amendment তার উদ্দেশ্য হচ্ছে অল্পত: অর্ধেক members of the Senate should be elected by the registered graduates, even in the case of a federating University. Select Committee থেকে এই বিল বেরবার পর syndicateএ membersএর সংখ্যা দেওয়া হয়েছে ১২১ কিন্তু আমার amendmentএ বলা হ'য়েছে syndicateএর members সংখ্যা একশোর বেশী করা উচিত নয় এবং এই সম্পর্কে Radhakrishnan Committee'র যে Report তাতে তঁরাই বলেছেন, “Even in the case of a federating University”, সেখানে syndicateএর membersএর সংখ্যা যাতে একশোর বেশী না হয়। আমি সেই একশোর সংখ্যাকেও তারপর আরও অন্যান্য সংখ্যাকে কমিয়েছি এবং registered graduatesএর দ্বারা যারা appointed হবেন, তাদের সংখ্যা অর্ধেক করেছি। আমার amendment খুব সোজা এবং সরল, অর্থাৎ Syndicateএর membersএর সংখ্যাকে কমিয়ে একশোর বেশী করা উচিত নয় এবং তার অর্ধেক members should be elected by the registered graduates এবং registered graduates হওয়ারজন্য যে বিধান আছে সেটা অত্যন্ত liberal হওয়া উচিত। বর্তমান বিলে যে ১২১ জন membersএর কথা বলা হ'য়েছে আমি সেখানে কমিয়ে ১০০ জন করেছি এবং registered graduates হচ্ছে one-half of the members, namely fifty. এই বিলে Vice-Chancellorএর appointment ব্যাপারে গভর্নমেন্টের খানিকটা প্রভাব থাকবে। কিন্তু আমার amendmentsএর দ্বারা আমি বলতে চাই যে Supreme governing body of the Universityকে গণ্যমান্য করা হোক, তাকে democratize করা হোক, তা না হ'লে বিলের যে উদ্দেশ্য সেটা সম্পূর্ণ ব্যর্থ হ'য়ে যাবে।

আমার আর একটু amendment registered graduates সম্পর্কে। স্থানীয়ভাবে যে amendment এনেছেন তাতে বলা হ'য়েছে, প্রথমে যে নিবন্ধন হবে তাকে তিন টাকা enrolment fee দিতে হবে এবং তা হ'লেই সে registered graduates হ'তে পারবে। আমার amendmentএ আমি এই তিন টাকাকে কমিয়ে দুই টাকা করেছি। কারণ আমার মতে the enrolment fee should be almost nominal. এবং যাতে graduates of three years standing, সকলে registered graduatesএ পরিণত হ'তে পারে তার ব্যবস্থা করা উচিত।



আবার amendmentগুলি সভ্যত নবীচীন এবং গ্রহণ করা উচিত। পতর্নবিশ্ট যদি সভাই ইউনিভার্সিটিকে একটা আদর্শ শিক্ষাব্যবস্থার হিসাবে প্রতিষ্ঠা করিতে চান, এবং ইউনিভার্সিটি, general administration যে সবত সেযকটী আছে তাকে যদি সংশোধন করিতে চান, ও ইউনিভার্সিটিকে প্রকৃত গণ্যকরে পরিণত করিতে চান তাহলে আবার amendmentগুলি গ্রহণ করা উচিত।

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** Mr. Speaker, Sir, I oppose the amendment that was moved by Sri Charu Chandra Bhandari. His amendment proposes reduction of elected teachers by 35, exclusion of three members of the Legislature, increase in the number of registered graduates by 25 and reduction of the number of representatives of professions and industries by seven.

**SJ. J. C. GUPTA:** What about the increase of women members advocated by him?

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** Whatever that may be, we are not looking at the question now from that point of view. His proposition is to reduce the number of elected teachers by 35. Should the constitution of the Senate be such as to give a preponderance, a majority to persons other than the teachers? That is a point to be decided by the members of the Legislature. Should the Senate be composed with a majority of teachers or should the teachers be reduced to a minority in the Senate? That is the fundamental question before us. Therefore I oppose the amendment of Sri Charu Chandra Bhandari.

**MR. DEPUTY SPEAKER:** Mr. Banerjee, do you want to withdraw your motion No. 35B?

**SJ. SUSIL KUMAR BANERJEE:** Yes, Sir.

The motion of Sj. Susil Kumar Banerjee that in clause 17(1) (va), for the words "University Professors" the words "the heads of departments of teaching of the University who are either University Professors or University Readers" be substituted, was then by leave of the House withdrawn.

**DR. P. C. GHOSH:** Sir, before you come to voting on clause 17 I want to draw attention to one thing. In the Bill as it was first drawn there was the question of single transferable vote. In the original Bill you will find "Twenty persons elected by the registered graduates from amongst themselves by means of the single transferable vote", but the Select Committee took no decision whether it should be by single transferable vote or not. When no decision is taken by the Select Committee, that means the original thing remains.

**MR. DEPUTY SPEAKER:** No, no; there has been no amendment.

**DR. P. C. GHOSH:** There has been no amendment, neither there is any decision of the Select Committee. Therefore I do say, sir, that it is a printing mistake or whatever it may be and it is an oversight. I want to draw attention to this that when the original Bill went to the Select Committee for report it is the Select Committee which can change it, but if the Select Committee has not effected any change or has not come to a decision on that point, the original thing stands. If the original thing is not there it is due to printing mistake or oversight. Therefore, I do say that it should be incorporated and I want your ruling, if necessary, whether anybody can change it.

**MR. DEPUTY SPEAKER:** There is no question of changing it. The Bill before the House is as it has emerged now from the Select Committee and we have nothing to do with the original Bill as it was.

**Dr P. C. GHOSH:** No, Sir, I do point out to you that there was no decision of the Select Committee which is also borne out by the Education Minister. Therefore the original thing remains. Unless somebody moves an amendment the original thing remains and it cannot be dropped.

**The Hon'ble Rai HARENDRA NATH CHANDHURI:** Section 17 is a substitution of the old clause; therefore the Select Committee has recommended the new substituted clause and we stand by the report of the Select Committee.

**Mr. DEPUTY SPEAKER:** Yes, that is true.

**Dr. P. C. GHOSH:** You will remember that we discussed and came to no decision on that point. You also said yesterday—

**The Hon'ble BIMAL CHANDRA SINHA:** Sir,—

**Dr. P. C. GHOSH:** I am on my legs.

**The Hon'ble BIMAL CHANDRA SINHA:** I am on a point of order.

**Dr. P. C. GHOSH:** I am also referring to a point of order. Unless the Select Committee takes any decision the original thing remains intact and I want your ruling on this point—unless the Select Committee takes a definite decision whether there may be any change or not.

**The Hon'ble BIMAL CHANDRA SINHA:** May I point out that what the decision of the Select Committee was must be taken from the Bill as has been presented before the House. What discussion took place in the Select Committee cannot be disclosed in the House. You must accept the position that the decision of the Select Committee has been as can be seen from the Bill. As the Hon'ble Education Minister has pointed out, the whole clause has been substituted and whatever might be the mistake you may now say, "this is my suggestion" but the decision of the Select Committee must be taken from the actual printed text of the Bill as reported by the Select Committee and presented to the House.

**Dr. P. C. GHOSH:** Then I must go into the whole thing. Mr. Sinha was also a member of the Select Committee, but he was not present at that time.

**Mr. DEPUTY SPEAKER:** You cannot refer to the deliberations of the Select Committee.

**Dr. P. C. GHOSH:** I am not referring to the proceedings of the Select Committee. What happened was that the thing was carried on from day to day and then the whole thing was given to us at the last moment and even without reading the whole document, we had to put our signature because your department said that by 12 o'clock we must sign, otherwise it cannot come today. Now, we find that the whole thing has been omitted—there was no decision of the Select Committee on this. I do say that justice and fairness demand that when there was no decision of the Select Committee and when there has been a mistake or oversight, you cannot change it and then say that it is the decision of the Select Committee—this is highly unfair. Mr. Sinha was not present at the last moment when the signature was made. So, he cannot say so. I do say, Sir, that if there has been a mistake like that, we should not stand on that technicality because it is there.

**Mr. DEPUTY SPEAKER:** Dr. Ghosh, you should have put in your amendment in that case.

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** Yes, why didn't you put in your amendment?

**Dr. P. C. GHOSH:** How shall I put an amendment if the Education Minister—

**Mr. DEPUTY SPEAKER:** Yes, you can put your amendment even now. If you put any amendment, I will allow it, but I cannot go beyond the Select Committee report.

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** The Select Committee report was before the members. They could have put in an amendment, but to say that this is a mistake, there was an omission—

**Mr. DEPUTY SPEAKER:** I uphold that.

**Dr. P. C. GHOSH:** Then I move the short-notice amendment as you have allowed me to do it that in clause 17(I), (xxvi) at the end the words "Election shall be by single transferable vote" be added.

**Mr. DEPUTY SPEAKER:** Will you please hand over your amendment?

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** Where does he want to add his amendment?

**Dr. P. C. GHOSH:** In item (xxvi) of clause 17.

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** Sir, if you put the amendment we shall have to oppose it. I draw Dr. Ghosh's attention to the original Bill—"Twenty persons elected by the registered graduates by single transferable vote", whereas here in sub-clause (xxvi) it is "twenty-five persons of whom five shall be graduates in Medicine and five graduates in Engineering". Now how can I do that by single transferable vote? So, we have to oppose it.

**Mr. DEPUTY SPEAKER:** You can oppose it, but let me put to vote.

The Motion Sj. Susil Kumar Banerjee that in clause 17(I)(va), for the words "University Professor" the words, "the heads of departments of teaching of the university who are either University Professors or University Readers" be substituted was withdrawn by the leave of the house.

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** Yes, Sir, let us proceed with the voting.

The short-notice motion No. 1 of the Hon'ble Dr. Bidhan Chandra Roy that after item (va), the following be inserted, namely:—

"(vb) University Readers who are Heads of Departments",  
was then put and agreed to.

The short-notice motion No. 2 moved by the Hon'ble Dr. Bidhan Chandra Roy on the floor of the House that in item (xxvi), after the words "fifteen persons, of whom at least five shall be University Readers", lines 1 and 2, the words "who are not Heads of Departments" be inserted, was then put and agreed to.

The motion of Sj. Susil Kumar Banerjee that in clause 17(I), for items (vi) to (xii) the following be substituted, namely:—

- "(vi) the President, Bangiya Sahitya Parishad;
- (vii) the Director, Bose Institute;
- (viii) the President, Indian Association for the Cultivation of Science;

- (i) the President, National Council of Education;
- (x) the President, Royal Asiatic Society of Bengal;
- (xi) the President, Vangiya Sanskrita Siksha Parishat;
- (xii) the Chairman, West Bengal Board of Madrasa Education;"

was then put and agreed to.

The motion of S<sub>j</sub>. Susil Kumar Banerjee that in clause 17(I), item (xiii), line 4, after the words "services to" the words "the cause of" be inserted, was then put and agreed to.

The motion of S<sub>j</sub>. Charu Chandra Bhandari that in clause 17(I), for the items (xiv), to (xxvii) the following items be substituted, namely:

- "(xiv) three persons elected by the Principals of constituent Colleges (not being professional Colleges) from among themselves;
- (xv) three persons, of whom one at least shall be a woman, elected by the Principals of affiliated Colleges from among themselves;
- (xvi) two persons elected by the Principals of professional Colleges (not being constituent Colleges) from among themselves;
- (xvii) three persons, of whom at least one shall be University Professor, elected by the Teachers of the University from among themselves;
- (xviii) two persons, of whom one shall be a woman, elected by the Teachers of constituent Colleges (not being professional Colleges) from among themselves;
- (xix) four persons of whom one at least shall be a woman, elected by the Teachers of affiliated Colleges from among themselves;
- (xx) three persons elected by the Teachers of professional Colleges (not being constituent Colleges) from among themselves;
- (xxi) two persons elected by the members of the Governing Bodies of Colleges situated within Calcutta as defined in the Calcutta Municipal Act, 1923, from among themselves;
- (xxii) two persons elected by the members of the Governing Bodies of the Colleges within the Presidency Division of West Bengal (excluding Calcutta as defined in the Calcutta Municipal Act, 1923), from among themselves;
- (xxiii) two persons elected by the members of the Governing Bodies of the Colleges situated in the Burdwan Division of West Bengal, from among themselves;
- (xxiv) fifty persons of whom at least five shall be graduates in Medicine and at least five graduates in Engineering, elected by the registered graduates from among themselves;
- (xxv) eight persons nominated by the Chancellor to secure the representation of the Professions, Industry, Agriculture, Commerce, Scientific or Technical Societies and persons eminent in Literature, Science, Fine Arts and Music."

was then put and lost.

The motion of S<sub>j</sub>. Susil Kumar Banerjee that in clause 17(I), item (xvi), line 2, the words and brackets "(not being Constituent Colleges)" be omitted, was then put and agreed to.

**S<sub>j</sub>. SUSIL KUMAR BANERJEE:** Sir I beg to withdraw my motion

(There being no objection.) The motion of S<sub>j</sub>. Susil Kumar Banerjee that in clause 17(1), (xvii), line 2, for the words "University Readers or Heads of Departments" the words "University Professors or Readers who are not heads of departments of teaching" be substituted, was then by leave of the House withdrawn.

The motion of S<sub>j</sub>. Susil Kumar Banerjee that in clause 17(1), item (xviii), lines 1 and 2, the words "of whom one at least shall be a woman," be omitted, was then put and agreed to.

The motion of S<sub>j</sub>. Susil Kumar Banerjee that in clause 17(1), item (xx), lines 3 and 4, the words and brackets "(not being Constituent Colleges)" be omitted, was then put and agreed to.

The motion of S<sub>j</sub>. Susil Kumar Banerjee that in clause 17(1), item (xxii), lines 3 and 5, for the square brackets, round brackets be substituted, was then put and agreed to.

The motion of S<sub>j</sub>. Kanai Lal De that in clause 17(1), item (xxvi), line 1, for the words "twenty-five persons" the words "thirty persons" be substituted, was then put and lost.

The short-notice motion of Dr. P. C. Ghosh that in clause 17(1) (xxvi), at the end, the words "The election shall be by single transferable vote" be added, was then put and lost.

The motion of S<sub>j</sub>. Charu Chandra Bhandari that in the proposed amendment of S<sub>j</sub>. Susil Kumar Banerjee to clause 17(2), item (b)(ii), line 1, for the word "three" the word "two" be substituted, was then put and lost.

The motion of S<sub>j</sub>. Susil Kumar Banerjee that in clause 17(2), for sub-clauses (b) and (c) the following be substituted, namely:—

"(b)(i) a person who holds the degree of a Master or a higher degree of the University of Calcutta as constituted prior to the appointed day, or

(ii) a graduate of the said University of at least three years' standing, who has paid a subscription of three rupees for the enrolment as a registered graduate for the purpose of the first election under clause (xxvi) of subsection (1) and has been enrolled as such," was then put and agreed to.

The motion of S<sub>j</sub>. Susil Kumar Banerjee that in clause 17(3), lines 1 and 2, after the words "candidate for" the words "or exercise his vote at" be inserted, was then put and agreed to.

The motion of S<sub>j</sub>. Susil Kumar Banerjee that in clause 17(4), lines 1 to 3, for the first paragraph, the following be substituted, namely—

"(4) Save as otherwise provided, an elected or nominated member of the Senate shall hold office for a period of three years from the date of his election or nomination, as the case may be", was then put and agreed to.

The question that clause 17 as amended do stand part of the Bill was then put and agreed to.

### Adjournment.

The House was then adjourned at 7-32 p.m. till 2 p.m. on Thursday, the 19th April, 1951, at the Assembly House, Calcutta.

**Proceedings of the West Bengal Legislative Assembly assembled  
under the provisions of the Constitution of India**

THE ASSEMBLY met in the Assembly House, Calcutta, on Thursday, the 19th April, 1951, at 2 p.m.

**Present:**

Mr. Speaker (the Hon'ble ISWAR DAS JALAN) in the Chair, 11 Hon'ble Ministers and 49 members.

**STARRED QUESTION**

**(to which oral answer was given)**

**Middle English and primary schools in Cooch Behar district**

**\*88. 8J. UMESH CHANDRA MANDAL:** Will the Hon'ble Minister in charge of the Education Department be pleased to state—

- (a) whether permanent pensionable posts of middle English school teachers under the then Cooch Behar Government have been declared temporary by the West Bengal State Government;
- (b) if so, the reasons thereof;
- (c) whether a sum of Rs.21,000 sanctioned for the current year for repair of school buildings in Cooch Behar district has been spent;
- (d) if not, the reasons thereof;
- (e) whether the amounts already contributed by people of Cooch Behar and deposited in the State Treasury for erection of several school buildings were ordered to be refunded;
- (f) if so, the reasons thereof; and
- (g) when all the primary schools in Cooch Behar district enjoying Cooch Behar Government aids will be placed on the same level as the Government primary schools?

**MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Rai Harendra Nath Chaudhuri):** (a) Yes.

(b) Pending decision regarding the future of these schools, the staff has been sanctioned on a temporary basis on the existing scales of pay until they are formally absorbed in suitable posts in accordance with the Recruitment Rules of this State.

(c) No.

(d) Lands and buildings of these schools have not been duly transferred to properly constituted Managing Committees. No repair grant from public funds can be sanctioned unless the land and buildings are made over to Government or to local committees by registered deed of gift.

(e) No.

(f) Does not arise.

(g) Primary schools in this State are either maintained or aided by District School Boards and not by Government; the future status of Government aided primary schools of Cooch Behar is a matter under consideration. The enforcement of the Bengal (Rural) Primary Education Act in Cooch Behar involves considerable difficulty and may require certain amendments to the present law or laws.

## GOVERNMENT BILL.

## The Calcutta University Bill, 1951.

## Clause 18.

The question that clause 18 do stand part of the Bill was put and agreed to.

## Clause 19.

**8J. SUSIL KUMAR BANERJEE:** Sir, I beg to move that in clause 19(4), line 1, after the words "to provide" the words "and after considering the views of the Academic Council," be inserted.

Sir, I beg to move that in clause 19(6), line 2, for the word "condition" the word "conditions" be substituted.

I beg to move that in clause 19(6), lines 6 and 7, for the words and figures "coming into force of section 3" the words "appointed day" be substituted.

I beg to move that in clause 19(13)(a), line 2, for the words "a Constituent, Affiliated" the words "an Affiliated, Constituent" be substituted.

I beg to move that in clause 19(15), lines 1 and 2, for the words "recognise Hostels" the words "to prescribe conditions for the recognition of Hostels" be substituted.

I beg to move that in clause 19(16), line 1, for the words "consultation with" the words "considering the views of" be substituted.

I beg to move that in clause 19(22), line 1, for the words "such power" the words "such of its powers" be substituted.

**8J. CHARU CHANDRA BHANDARI:** Sir, I beg to move that the following proviso be added to item (17) of clause 19, namely:—

"Provided that all graduates of at least three years' standing who will have applied in the manner, within the time-limit after the commencement of this Act and with a fee not exceeding three rupees, as prescribed, shall be enrolled as registered graduates and that it shall not be necessary for the registered graduates to pay any other fee or subscription, periodical or otherwise, to continue as registered graduates".

I beg to move that in clause 19, item (20), line 1, after the word "methods" the words "and conduct" be inserted.

**8J. KANAI LAL DE:** Sir, I beg to move that the following proviso be added to item (17) of clause 19, namely:—

"Provided that the enrolment fee for enrolment as a registered graduate shall not be more than Rs. 2, and the annual subscription of a registered graduate shall be Re. 1".

**8J. CHARU CHANDRA BHANDARI :** মাননীয় স্পীকার মহোদয়, আমার এই সংশোধনী প্রস্তাবের উদ্দেশ্য হচ্ছে registered graduate হওয়ারটা খুব সহজ করতে চাই,—ফীচা ১ টাকা হোক। এর পূর্বে আমি ২১ টাকা করে fee করার প্রস্তাব করেছিলাম। সর্বপ্রথম যে election হবে, তারপরে ১ টাকা করা হচ্ছে এইজন্য যে আর কোন fee থাকতে পারা জীবনে দিতে না হয়—as registered graduates throughout life continue. এইরকম করলে registered হওয়ারটা সুবিধা হবে এবং universityটা লোকের হওয়ার পক্ষেও সুবিধা হবে। Next আমার একটা amendment

আছে, এটা হচ্ছে এই যে item (২০)তে আছে—methods of election regulate করার কথা। জুড়ে আমি বলেছি “methods and conduct of election” করতে হবে, এটা কহি কি উদ্দেশ্যে সেটা obvious. এটা না করলে তিনিষ্টা incomplete থেকে যায়।

**৪১. KANAI LAL DE :** বহানব, আমার বন্ধু চাকবাবু যে সংসদবনী প্রত্যাব উত্থাপন করেছেন জুড়ে তিনি বলেছেন fee ১ টাকা বেরিয়েছে না। আমি একটা proviso add করার জন্য বর্ধি— ২১ টাকা enrolment fee হবে এবং annual fee যদি রাখা প্রয়োজন হয় তাহলে ১১ টাকার বেশী হবে না, কারণ ভাতে বেশী সংখ্যার graduates registered হতে পারবেন ; এবং তাদের দ্বারা সরকারী বিলে যে ২৫ জন Fellow নির্বাচিত করতে হবে সেই নির্বাচনে যাতে বেশী সংখ্যার graduates যোগ দিতে পারেন সেটা দেখা দরকার। ভাল লোক এবং যাদের জনসাধারণের উপর প্রভাব আছে এইরকম লোকের আসার সভাবনা কম ছিল এতদিন পর্যন্ত। কলিকাতা বিশ্ববিদ্যালয়ে registered graduate হ’তে হলে প্রতি বৎসর ১০ টাকা ফি দিতে হ’ত ; সেজন্য খুব কম graduateই registered হ’তে পারত। সেইজন্য registered graduateরা একটা outer circle মধ্যেই সীমাবদ্ধ থাকত। তাঁরাই যাতে নির্বাচনে ভোট দিতে পারে সেইজন্য ফি এতবেশী করা হয়েছিল যে ফি দিয়ে আমাদের মত দরিদ্র দেশের খুব কম graduateরাই সভ্য তথা voter হতে পারতেন। একেই ভেে বিশ্ববিদ্যালয়ের ডিগ্রির দ্বারা নির্বাচন কঠিন, তারপরে ১০ টাকা করে প্রতি বৎসর fee দিয়ে নির্ধারিত সময়ের মধ্যে অনেকে registered graduate হ’তে পারতেন না। এখন যখন Universityকে লোকায়ত্ত করার চেষ্টা হচ্ছে অবিকাংশ graduateই যাতে অনায়াসে registered হতে পারেন এবং ভোট দিতে পারেন সেইজন্য আমি বহুটি registration-এর enrolment fee ২১ টাকার বেশী বেন না হয়। এবং তারপরে যদি বছর চাঁদা দিতেই হয় তাহলে সেটাও একটা token চাঁদা মাত্র ১১ টাকা হওয়া উচিত। এবং এরকম করলে তাঁদের মূল বিলের উদ্দেশ্য যা তা সাধিত হবে এবং তাঁদের লোকের সঙ্গে এটার দ্বারা কোন বিরোধিতা হবে না অথচ Universityকে লোকায়ত্ত করা হবে।

**The Hon'ble BIMAL CHANDRA SINHA:** Mr. Speaker, Sir, I was just drawing your attention and also the attention of the honourable member to the fact that a decision has already been taken in this matter when we passed section 17 and, therefore, is it in order to raise—or rather, reopen—this question now?

**৪১. CHARU CHANDRA BHANDARI:** That was for the first election or the first constitution of the Senate. Its scope was limited.

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** Sir, I am sorry I cannot accept the amendments moved by my honourable friends opposite. The scheme of the Bill is that so far as the first election is concerned, the registration fee is to be what is prescribed in the Act itself, but, as regards future elections, the registration fee will be prescribed by the Senate. We have left that power to the Senate. The ideas that have been suggested by my friends opposite may appeal to the Senate and the Senate may come to that decision. We do not know what they will do. So, please leave that decision to the Senate, so far as the future elections are concerned. The Senate being an autonomous body surely you would not like to limit the autonomy of the Senate in that respect.

**Mr. SPEAKER:** Mr. Rai Chaudhuri, in amendment No. 51A, the words “appointed day” occur—do you want that to be passed?

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** So far as this clause is concerned, the clause as a whole may stand over, but the other motions may be put before the House.

**Mr. SPEAKER:** So, amendment No. 51A will be left over.



**The Hon'ble Dr. BIDHAN CHANDRA ROY:** Whatever may be the definition of "appointed day," that will apply wherever the words "appointed day" occur—whether it is Charu Babu's definition or the definition of anybody else. So, other clause need not be left over where the definition of "appointed day" will apply.

**MR. SPEAKER:** I think it has to be left over because it may be—there is always a likelihood of that not being passed.

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** Not only that. The words "appointed day" do not occur in the original clause.

The motion of Sj. Susil Kumar Banerjee that in clause 19(4), line 1, after the words "to provide" the words "after considering the views of the Academic Council," be inserted, was then put and agreed to.

The motion of Sj. Susil Kumar Banerjee that in clause 19(6), line 2, for the word "condition" the word "conditions" be substituted, was then put and agreed to.

The motion of Sj. Susil Kumar Banerjee that in clause 19(13)(a), line 2, for the words "a Constituent, Affiliated" the words "an Affiliated, Constituent" be substituted, was then put and agreed to.

The motion of Sj. Susil Kumar Banerjee that in clause 19(15), lines 1 and 2, for the words "recognise Hostels" the words "to prescribe conditions for the recognition of Hostels" be substituted, was then put and agreed to.

The motion of Sj. Susil Kumar Banerjee that in clause 19(16), line 1, for the words "consultation with" the words "considering the views of" be substituted, was then put and agreed to.

The motion of Sj. Charu Chandra Bhandari that the following proviso be added to item (17) of clause 19, namely:—

"Provided that all graduates of at least three years' standing who will have applied in the manner, within the time-limit after the commencement of this Act and with a fee not exceeding three rupees, as prescribed, shall be enrolled as registered graduates and that it shall not be necessary for the registered graduates to pay any other fee or subscription, periodical or otherwise, to continue as registered graduates."

was then put and lost.

The motion of Sj. Kanai Lal De that the following proviso be added to item (17) of clause 19, namely:—

"Provided that the enrolment fee for enrolment as a registered graduate shall not be more than Rs. 2, and the annual subscription of a registered graduate shall be Re. 1."

was then put and lost.

The motion of Sj. Charu Chandra Bhandari that in clause 19, item (20), line 1, after the word "methods" the words "and conduct" be inserted, was then put and lost.

The motion of Sj. Susil Kumar Banerjee that in clause 19(22), line 1, for the words "such power" the words "such of its powers" be substituted, was then put and agreed to.

#### Clause 20.

The question that clause 20 do stand part of the Bill was then put and agreed to.

## Clause 21.

**SJ. CHARU CHANDRA BHANDARI:** Sir, I beg to move that in clause 21(I), items (ii) and (iii) be omitted.

I beg to move that in clause 21(I), item (vii), line 1, for the words "six" the word "eight" be substituted.

**SJ. SUSIL KUMAR BANERJEE:** Sir, I beg to move that for clause 21(I)(viii), the following be substituted, namely:—

"(viii) four persons elected by the Academic Council from among its members of whom at least one shall be a Principal of a Professional College and one a Principal of an Affiliated College;

(ix) one Principal of a Constituent College (not being a Professional College) elected by the Academic Council from among its members."

Sir, I also beg to move that in clause 21(2), line 1, after the words "candidate for" the words "or to exercise his vote at," be inserted.

I also beg to move that in clause 21(3), lines 1 and 2, for the words "Members other than the *ex-officio* members shall hold office for a period of three years", the words "A member other than an *ex-officio* member shall hold office for a period of three years from the date of his election" be substituted.

**SJ. CHARU CHANDRA BHANDARI:** এই যে clause 21এতে আছে constitution of the Syndicate, সেখানে স্থানীয় ৬ ব্যাবার একই বকরের একটা amendment আছে। সেটা হচ্ছে item (vii), "Six persons who are not teachers elected by the Senate from among its members." এই ছয় জনের জায়গায় উদের ন্যায় আমরা ৮ জন করতে চাই। দ্বিতীয় কথা আমরা সেখানে কমাচ্ছি। Governmentএর লোক যাতে বেশী না থাকে—অনেক জায়গায় already বেশী আছে, আমি সেটা কমাতে চাচ্ছি। Director of Public Instruction এবং President of the Board of Secondary Education, Governmentএর nominee এই যে President অভাব এই দুইজনকেই কমান দরকার। যদি কমাতে হয় এ দু'জন ছাড়া কমান যায় না, অভাব এটা যদি accept করে নেন তবে ভাল হয়।

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** Sir, I am sorry I cannot accept the amendment.

**Dr. P. C. GHOSH:** Which amendment? You have accepted one amendment making it "eight".

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** I am going to accept amendment No. 62 which stands in the name of Sj. Charu Chandra Bhandari and Sj. Susil Kumar Banerjee. But I oppose amendment No. 60.

The motion of Sj. Charu Chandra Bhandari that in clause 21(I), items (ii), and (iii) be omitted, was then put and lost.

The motion of Sj. Charu Chandra Bhandari that in clause 21(I), item (vii), line 1, for the word "six" the word "eight" be substituted, was then put and agreed to.

The motion of Sj. Susil Kumar Banerjee that for clause 21(I)(viii), the following be substituted, namely:—

"(viii) four persons elected by the Academic Council from among its members of whom at least one shall be a Principal of a Professional College and one a Principal of an Affiliated College;

(ix) one Principal of a Constituent College (not being a Professional College) elected by the Academic Council from among its members.”

was then put and agreed to.

The motion of Sj. Susil Kumar Banerjee that in clause 21(2), line 1, after the words “candidate for” the words “, or to exercise his vote at,” be inserted, was then put and agreed to.

The motion of Sj. Susil Kumar Banerjee that in clause 21(3), lines 1 and 2, for the words “Members other than the *ex-officio* members shall hold office for a period of three years”, the words “A member other than an *ex-officio* member shall hold office for a period of three years from the date of his election” be substituted, was then put and agreed to.

The question that clause 21, as amended, do stand part of the Bill, was then put and agreed to.

#### Clause 22.

**SJ. SUSIL KUMAR BANERJEE:** Sir, I beg to move that in clause 22(f), line 1, before the words “to give effect” the words “save as otherwise provided”, be inserted.

Sir, I also beg to move that in clause 22(g), lines 1 and 2, for the words “to appoint, subject to the provisions of this Act and the Statutes”, the words “subject to the provisions of this Act and the Statutes, to appoint” be substituted.

I then beg to move that in clause 22(m), lines 1 and 2, after the word “scholarships,” the word “studentships,” be inserted.

I further beg to move that clause 22(g) be omitted. —

I next beg to move that in clause 22(r), line 4, for the word “Statutes” the word “Ordinances” be substituted.

I also beg to move that in clause 22(s), line 3, after the word “supervision” the words “and control” be inserted.

I also beg to move that in clause 22(v), lines 5 and 6, for the word “constituted” the word “instituted” be substituted.

I also beg to move that in clause 22(x), line 2, after the word “committee” the word “constituted” be inserted.

The motions were then put and agreed to.

The question that clause 22, as amended, do stand part of the Bill, was then put and agreed to.

#### Clause 23.

The question that clause 23 do stand part of the Bill was then put and agreed to.

#### Clause 24.

**SJ. SUSIL KUMAR BANERJEE:** Sir, I beg to move that in clause 24(1), lines 3 and 4, for the words “after examination by the Syndicate shall be submitted to” the words “shall, after examination by the Syndicate, be subjected to” be substituted.

I beg to move that in clause 24(3), line 1, for the words “The State Government may request the University to” the words “The University shall” be substituted.

I also beg to move that in clause 24(3), line 4, for the words "the financial year" the words "every financial year of the University" be substituted.

I further move that in the *Explanation* to clause 24(3), line 1, for the words "In this Act 'financial year' means" the words "In this section 'financial year of the University' means" be substituted.

**SJ. CHARU CHANDRA BHANDARI:** Sir, I beg to move that in clause 24(1), lines 4 and 5, for the words "as the State Government may direct" the words "by an auditor appointed with the approval of the State Government" be substituted.

এই clause 24টা হচ্ছে annual accounts সম্পর্কে। Annual Accounts সম্পর্কে গভর্নমেন্ট একটা control করতে চাচ্ছেন, সেটা খুব ভাল কথা। কিন্তু যে ভাষার উারা control করতে চাচ্ছেন সেটা সুনতে বা দেখতে খুব শ্রুতিনীয় হয়নি। আমি পড়ে পোনাচ্ছি—The annual accounts of the University as prepared by the Finance Committee after examination by the Syndicate shall be submitted to such examination subjected to audit as the State Government may direct. এটা একটু বদলে আবার বলা হয়েছে, "shall, after examination by the Syndicate, be subjected to"—যাই হোক, কিন্তু এই "may direct" এই কথাটা প্রয়োগ করলে সুনতে এমন হয় যেন গভর্নমেন্টের বিভাগকে direction দেওয়া হচ্ছে। আমার মতে জাঘাটা একটু মোলায়েম করা উচিত, এবং বিতীকৃত: গভর্নমেন্ট direction কি সেবেন তারও কিছু ঠিক নেই।

অতএব audit যদি করতে হয় তাহলে একজন auditor ঠিক করে নিযুক্ত করতে হয়। তা নাহলে the State Government may direct এই কথাগুলি তুলে দেওয়া সবচেয়ে বড় প্রয়োজন। আমার amendment এ সেটা আমি তুলে দিয়েছি এবং তার স্থানে যেটা সর্বাঙ্গীন হবে সেই কথা যোগ করেছি। আমার মতে এই রকম হওয়া উচিত—shall be subjected to such examination and audit by an auditor appointed with the approval of the State Government. এতে আমাদের কার্যসিদ্ধি হবে এবং ঐ রকম অপোভনীয় কথাও University সম্পর্কে প্রয়োগ করা হবে না। আমার amendmentটা খুব ভাল, এটা গ্রহণ করুন।

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** Sir, I am very sorry, I cannot oblige my friend Mr. Bhandari. The question is that accounts are submitted to the examiner of Local Accounts—the Accountant-General does it and therefore that system has got to prevail. We cannot provide a different system for the University.

The motion of Sj. Susil Kumar Banerjee that in clause 24(1), lines 3 and 4, for the words "after examination by the Syndicate shall be submitted to" the words "shall, after examination by the Syndicate, be subjected to" be substituted, was then put, and agreed to.

The motion of Sj. Charu Chandra Bhandari that in clause 24(1), lines 4 and 5, for the words "as the State Government may direct" the words "by an auditor appointed with the approval of the State Government" be substituted, was then put and lost.

The motion of Sj. Susil Kumar Banerjee that in clause 24(3), line 1, for the words "The State Government may request the University to" the words "The University shall" be substituted, was then put and agreed to.

The motion of Sj. Susil Kumar Banerjee that in clause 24(3), line 4, for the words "the financial year" the words "every financial year of the University" be substituted, was then put and agreed to.

The motion of Sj. Susil Kumar Banerjee that in the *Explanation* to clause 24(3), line 1, for the words "In this Act 'financial year' means" the words "In this section 'financial year of the University' means" be substituted, was then put and agreed to.

The question that clause 24, as amended, do stand part of the Bill, was then put and agreed to.

*Clause 25.*

The question that clause 25 do stand part of the Bill was then put and agreed to.

*Clause 26.*

The question that clause 26 do stand part of the Bill was then put and agreed to.

*Clause 27.*

**8J. SUSIL KUMAR BANERJEE:** Sir, I beg to move that in clause 27(1), item (vi), lines 1 and 2, the words and brackets "(not being Professional Colleges)" be omitted.

I also move that in clause 27(2), lines 1 and 2, after the words "candidate for" the words "or to exercise his vote at" be inserted.

I further move that in clause 27(3), lines 1 and 2, for the words "Members other than the *ex-officio* members shall hold office for a period of three years" the words "A member other than an *ex-officio* member shall hold office for a period of three years from the date of his election" be substituted.

The motions were then put and agreed to.

The question that clause 27, as amended, do stand part of the Bill, was then put and agreed to.

*Clause 28.*

**8J. SUSIL KUMAR BANERJEE:** Sir, I beg to move that in clause 28(c), line 3, for the words "Fine Arts, Music" the words "Fine Arts and Music" be substituted.

I also move that in clause 28(h), line 4, for the words "Libraries, Museums" beginning with capital 'L' and capital 'M' the words "libraries, museums" beginning with small 'l' and small 'm' be substituted.

I further move that in clause 28(h), line 5, for the word "established" the word "maintained" be substituted.

The motions were then put and agreed to.

The question that clause 28, as amended, do stand part of the Bill, was then put and agreed to.

*Clause 29.*

**8J. SUSIL KUMAR BANERJEE:** Sir, I beg to move that in clause 29, line 3, for the words "Fine Arts, Music" the words "Fine Arts and Music" be substituted.

I beg also to move that in the proviso to clause 29, line 1, for the word "half" the word "one-third" be substituted.

The motions were then put and agreed to.

The question that clause 29, as amended, do stand part of the Bill, was then put and agreed to.

*Clause 30.*

The question that clause 30, do stand, part of the Bill, was then put and agreed to.

*Clause 31.*

The question that clause 31 do stand part of the Bill, was then put and agreed to.

*Clause 32.*

The question that clause 32 do stand part of the Bill, was then put and agreed to.

*Clause 33.*

The question that clause 33 do stand part of the Bill, was then put and agreed to.

*Clause 34.*

**SJ. SHYAMAPADA BHATTACHARYYA:** Sir, I beg to move that in clause 34(c), line 3, for the words "Libraries, Museums" beginning with capital 'L' and capital 'M' the words "libraries, museums" beginning with small 'l' and small 'm' in small letters be substituted.

**Mr. SPEAKER:** Well, I understand it is not necessary to put in such amendments. Rather it could have been that for capital L and capital M small l and small m be substituted.

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** But we have been technically advised to do so.

**Dr. P. C. CHOSH:** But in reading nobody can understand it. It should have been that capital letters be changed into small letters.

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** But that is not the legal form.

The motion of Sj. Shyamapada Bhattacharyya that in clause 34(c), line 3, for the capital L and capital M of the words "Libraries, Museums" small 'l' and small 'm' be substituted, was then put and agreed to.

The question that clause 34, as amended, do stand part of the Bill, was then put and agreed to.

*Clause 35.*

The question that clause 35 do stand part of the Bill, was then put and agreed to.

*Clause 36.*

**SJ. SHYAMAPADA BHATTACHARYYA:** Sir, I beg to move that clause 36(d) be omitted.

I beg also to move that in clause 36(g), line 1, for the small "t" of the word "teacher" capital "T" be substituted.

I beg further to move that in clause 36(h), line 1, for the words "appointments, duties and emoluments" the words "appointment, duties and remuneration" be substituted.

The motions were put and agreed to.

The question that clause 36, as amended, do stand part of the Bill, was then put and agreed to.

*Clause 37.*

**SJ. SHYAMAPADA BHATTACHARYYA:** Sir, I beg to move that in clause 37(1)(i), line 1, for the word "Board" the word "Boards" be substituted.

I beg also to move that in clause 37(I)(ii), lines 2 and 3, the words "of the University or of the Constituent or Affiliated colleges" be omitted.

The motions were put and agreed to.

The question that clause 37, as amended, do stand part of the Bill, was then put and agreed to.

#### Clause 38.

The question that clause 38 do stand part of the Bill, was then put and agreed to.

#### Clause 39.

**SJ. CHARU CHANDRA BHANDARI:** Sir, I beg to move that in clause 39, line 1, after the word "University" the words "who does not live with his parent or any other natural guardian" be inserted.

মাননীয় শ্রীকার মহোদয়, আমার এই amendment-এর উদ্দেশ্য হচ্ছে এখানে এই clauseটা হচ্ছে 'University' কোথায় বাস করবেন। যে clause আছে তাতে তাঁরা Hostel বা Hall বাস করবে বা আইন করে দিলে পর তাঁরা অন্য কোন আবাসে বাস করতে পারেন। আমার এই amendment-এ আছে যে যদি কোন ছাত্র বাপ মা বা তাঁর অন্য কোন natural guardian-এর কাছে থাকেন তা হ'লে তাঁর পক্ষে কোন Hostel বা অন্য কোন prescribed আবাসে থাকার প্রয়োজন নাই। (The Hon'ble Rai HARENDRA NATH CHAUDHURI: কেন নাই?) সেটা বুঝতে পারবেন যদি এমন হয় যে, আপনার ছেলে বা আমার ছেলে কোথায় বাস করবে—আমরা কলকাতায় থাকলেও কি কারণে তাঁদের হোষ্টেলে থাকতে হ'তে পারে। বাপ মা ভাল নয় এমন কথা তো হ'তে পারে না। (Laughter) Either in a hall or hostel or under such other condition as may be prescribed. এর মধ্যে যদি পিতামাতা না থাকতে পারেন তাহ'লে পিতামাতাকে বাদ দেবার জন্যই আইন করুন। (Laughter.) আমাদের দেশের যা অবস্থা তাতে শুধু পিতামাতাই নয়, natural guardian-এর কাছেও তাঁদের থাকতে পারা সমীচীন হবে এবং এটা গ্রহণ না করলে অত্যন্ত খারাপ অবস্থায় পড়তে হবে।

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** Sir, the point which has been raised by Mr. Charu Chandra Bhandari has been raised, I believe, under a misapprehension. There is the phrase "under such other conditions as may be prescribed" and we believe that the University will prescribe that those students who are residing with their parents and natural guardians will not have to reside in Halls or Hostels. There may be other considerations, for instance, many students may not reside with their fathers but with their fathers-in-law. What will be the case of those students? Sir, it will be extremely difficult for us to cover all possible cases.

The motion of Sj. Charu Chandra Bhandari that in clause 39, line 1, after the word "University" the words "who does not live with his parent or any other natural guardian" be inserted, was then put and lost.

The question that clause 39 do not stand part of the Bill was then put and agreed to.

#### Clause 40.

**SJ. SHYAMAPADA BHATTACHARYYA:** Sir, I beg to move that in clause 40(3), line 5, after the word "without" the words "considering the views of the Syndicate and without" be inserted.

The motion was then put and agreed to.

The question that clause 40, as amended, do stand part of the Bill, was then put and agreed to.

*Clause 41.*

**SJ. SHYAMAPADA BHATTACHARYYA:** Sir, I beg to move that in the proviso to clause 41(1), line 1, after the words "said examination" the words "of the Board of Secondary Education" be inserted.

I further beg to move that in clause 41(1A), line 1, for the word "courses" the words "a course" be substituted.

I also move that in clause 41(3), lines 1 and 2, the words "admitted to a course of a study under sub-section (1A) or" be omitted.

The motions were then put and agreed to.

The question that clause 41, as amended, do stand part of the Bill, was then put and agreed to.

*Clause 42.*

The question that clause 42, do stand part of the Bill, was then put and agreed to.

*Clause 43.*

**SJ. SUSIL KUMAR BANERJEE:** Sir, I beg to move that to clause 43, the following Explanation be added, namely:—

*"Explanation.—*For the avoidance of doubt it is hereby declared that where the office of any member of any authority or other body of the University cannot be filled up when such authority or body is constituted for the first time, on account of any election or appointment not being for any reason feasible, there shall be deemed to be a vacancy in the office of such member until such election takes place or such appointment is made".

The motion was then put and agreed to.

The question that clause 43, as amended, do stand part of the Bill, was then put and agreed to.

*Clause 44.*

The question that clause 44, do stand part of the Bill, was then put and agreed to.

*Clause 45.*

The question that clause 45, do stand part of the Bill, was then put and agreed to.

*Clause 46.*

The question that clause 46, do stand part of the Bill, was then put and agreed to.

*Clause 47.*

The question that clause 47, do stand part of the Bill, was then put and agreed to.

*Clause 48.*

**SJ. SHYAMAPADA BHATTACHARYYA:** Sir, I beg to move that in clause 48(1), line 2, after the words "other employee" the words "holding a post carrying a salary not below one hundred rupees" be inserted.

I also move that in clause 48(2), lines 1 and 2, for the words "the date of the commencement of this Act" the words "the appointed day" be substituted.



I further move that in the *Explanation* to clause 48(2), in the last line, for the words "the Vice-Chancellor, the Treasurer and the Registrar" the words "the Officers referred to in section 8" be substituted.

The motion of Sj. Shyamapada Bhattacharyya that in clause 48(1), line 2, after the words "other employee" the words "holding a post carrying a salary not below one hundred rupees" be inserted, was then put and agreed to.

The motion of Sj. Shyamapada Bhattacharyya that in the *Explanation* to clause 48(2), in the last line, for the words "the Vice-Chancellor, the Treasurer and the Registrar" the words "the Officers referred to in section 8" be substituted, was then put and agreed to.

**MR. SPEAKER:** Amendment No. 104 and clause 48 are held over.

*Clause 49.*

The question that clause 49, do stand part of the Bill, was then put and agreed to.

*Clause 50.*

**MR. SPEAKER:** Amendments Nos. 107, 108 and 109 cannot be moved as the Governor's recommendations under Article 207(1) have been refused but No. 106 can be moved.

**SJ. KANAI LAL DE:** Sir, I beg to move that in clause 50, line 4, after the word "fees" the word "fines" be inserted.

সভাপাল মহাশয়, আমি এটা বড়ই এজন্ডা যে, শিক্ষাব্রহ্মী এটা বিবেচনা করবেন এর প্রয়োজন আছে কিনা। এখানে বলা হয়েছে University Fund সম্বন্ধে—the University shall have a fund to which shall be credited its income from fees, endowments and grants, if any, and contribution by Government. শুধু এই কথাই আছে। কিন্তু University অনেক সময় অনেক কারণে ছাত্রদের fineও তো করেন; fine যখন করেন এবং তা যদি আদায় হয় তাহলে সে টাকাটা কি হবে কোথায় যাবে, Universityর Fundএ যাবে কিনা? যদি মনে করেন প্রয়োজন আছে তাহলে এটা নিয়ে নেবেন, নইলে Universityতে ছাত্রদের misconductএর জন্য বা অন্য কারণেও যে fine করা হয় সে টাকাটা fund ভুক্ত করা উচিত মনে করলে এটা নিয়ে নেবেন বা ইচ্ছা করবেন।

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** I hope Mr. De will be satisfied if I say that I am prepared to accept that amendment.

The motion of Sj. Kanai Lal De that in clause 50, line 4, after the word "fees" the word "fines" be inserted, was then put and agreed to.

The question that clause 50, as amended, do stand part of the Bill, was then put and agreed to.

*New clause 50A.*

**SJ. SHYAMAPADA BHATTACHARYYA:** Sir, I beg to move that after clause 50, the following new clause be inserted, namely:—

"50A. The State Government, on being satisfied with the report Contribution by the State submitted to it under sub-section (3) of section Government. 24, shall make a grant every year to the University of not less than rupees sixteen lakhs which shall be credited to the University Fund".

The motion was then put and agreed to.

## Clause 51.

**SJ. SHYAMAPADA BHATTACHARYYA:** Sir, I beg to move that in clause 51, lines 4 and 5, for the words "coming into force of section 3" the words "appointed day" be substituted.

**MR. SPEAKER:** This clause is held over.

## Clause 52.

**SJ. SUSIL KUMAR BANERJEE:** Sir, I beg to move that for clause 52, the following be substituted, namely:—

"52. (1) The Chancellor shall within three months from the date of the publication of this Act in the *Official Gazette* appoint, in consultation with the Minister, on such terms and conditions as he thinks fit, a person to be the Vice-Chancellor. Such Vice-Chancellor (in this Act referred to as 'the first Vice-Chancellor') shall hold office for a period of two years and upon his appointment, the person holding office as the Vice-Chancellor of the University of Calcutta immediately before the date of such appointment, shall vacate his office.

(2) The first Vice-Chancellor shall, with the approval of the Chancellor and with the assistance of a Committee consisting of not more than six members nominated by the Chancellor, cause the first Statutes, the first Ordinances and the first Regulations of the University to be framed.

(3) The first Vice-Chancellor shall within six months from the date of his appointment or within such longer period, not exceeding one year from the date of his appointment, as the State Government may, by notification, direct, cause arrangements to be made for constituting the Senate, the Syndicate the Academic Council, the Faculties and the Boards of Studies in accordance with the provisions of the first Statutes, the first Ordinances and the first Regulations as framed under sub-section (2), as if they had already come into force.

(4) The State Government shall by notification in the *Official Gazette*, appoint a date, and on and from such date the Senate, the Syndicate, the Academic Council, the Faculties and the Boards of Studies shall commence to exercise their respective functions and the first Statutes, the first Ordinances and the first Regulations as framed under sub-section (2) shall come into force and be the first Statutes, the first Ordinances and the first Regulations of the University.

(5) The first Statutes, the first Ordinances and the first Regulations of the University shall remain in force until new Statutes, new Ordinances and new Regulations are made under the provisions of this Act.

(6) On and from the appointed day, Act II of 1857, and the Indian Universities Act, 1904, so far as it applies to VIII of 1904. the University of Calcutta, shall stand repealed."

Provided that until such repeal references to the Vice-Chancellor under the said Acts shall be deemed to be references to the first Vice-Chancellor.

- (7) In construing the provisions of section 17, section 21 and section 27, and in construing the provisions of the first Statutes, the first Ordinances and the first Regulations as framed under sub-section (2) in relation to the constitution under this section, of the Senate, the Syndicate, the Academic Council, the Faculties and the Boards of Studies, references to the heads of departments of teaching of the University, the University Professors, University Readers and University Lecturers and Teachers of the University shall be deemed to be references to the persons holding offices respectively as the heads of departments of teaching, Professors, Readers, Lecturers and Teachers of the University of Calcutta, immediately before the date of the appointment of the first Vice-Chancellor.
- (8) The first Vice-Chancellor may, subject to the sanction of the Chancellor, appoint such administrative, clerical and other staff as he deems necessary for giving effect to the provisions of this section.
- (9) The provisions of this section shall have effect notwithstanding anything contained elsewhere in this Act or in any other law".

**8J. CHARU CHANDRA BHANDARI:** Sir, I beg to move that in sub-clause (1) of the proposed amendment (No. 112E) to clause 52 of Sj. Susil Kumar Banerjee, line 3, the words "in consultation with the Minister" be omitted.

Sir, I also beg to move that for sub-clauses (2) to (5) of the proposed amendment (No. 112E) to clause 52 of Sj. Susil Kumar Banerjee, the following be substituted, namely:—

- "(2) The first Vice-Chancellor shall within six months from the date of his appointment, as the State Government may, by notification, direct, cause arrangements to be made for constituting the Senate in accordance with the provisions of rules made under sub-section (3).
- (3) Subject to the approval of the Chancellor, the first Vice-Chancellor shall, with the assistance of an Advisory Committee, make rules for the methods and the conduct of the election for the constitution of the Senate.
- (4) The Senate shall commence to function with effect from the date not later than one month of its constitution, as may be appointed by the State Government, and constitute the Syndicate, the Academic Council, the Faculties and the Boards of Studies, in accordance with the provisions of the Statutes made by it for within six months of the date on which it commences to exercise regulating the methods and the conduct of their elections, its functions.
- (5) The State Government shall, thereupon by notification in the *Official Gazette*, specify a date and from such date the Syndicate, the Academic Council, the Faculties and the Boards of Studies shall commence to function".

Sir, I further beg to move that in sub-clause (7) of the proposed amendment (No. 112E) to clause 52 of Sj. Susil Kumar Banerjee, lines 2 to 4, for the words, brackets and figure "the first Statutes, the first Ordinances and the first Regulations as framed under sub-section (2)" the words, brackets and figures "the rules and the Statutes as made under sub-sections (3) and (4) respectively" be substituted.

**Mr. SPEAKER:** In view of the fact that the amendment of S<sub>j</sub>. **Shyamapada Bhattacharyya** not having been moved, amendments Nos. 112A, 112B, 112C and 112D of **Sri Charu Chandra Bhandari** fall through.

**S<sub>j</sub>. CHARU CHANDRA BHANDARI:** I beg to move that in sub-clause (a) of clause 52, line 4, for the word "Minister" the words "State Government" be substituted. [*Fell through.*]

I also beg to move\* that the following proviso be added to clause 52, namely:—

"Provided that no official of the State Government or of any local body shall be appointed to be the Vice-Chancellor for purposes of this section". [*Fell through.*]

মাননীয় স্পীকার মহোদয়, এই clause 52 অত্যন্ত দরকারী clause. এই clause-এ এই বিধান করা হয়েছে, যে এই আইন পাশ হওয়ার পরে কিভাবে এবং কোন্ machinery দ্বারা নূতন যে University সোঁটা এবং তার বিভিন্ন Senate, Syndicate, Academic Council, Board of studies ইত্যাদি গঠিত হবে। সাধারণত কোন institution বা অন্য কোন প্রতিষ্ঠানের constitution যখন বদলাতে হয় ফলে সেই আইন অনুসারে পুনরায় সেই institution যখন reconstituted করা হয় তখন যে institution পূর্বে থাকে তাইবাই সোঁটা করেন। যেমন State-এর constitution বদলাতে হ'লে যে Government থাকে সেই Government নূতন election করে। যে কোন বকমেই হোক Government এই যে স্বাভাবিক কার্যপদ্ধতি অর্থাৎ সাধারণভাবে হলে, এই যে University তাই যে Senate ও Syndicate ছিল বা Vice-Chancellor ছিল, তাইবাই যখন এই যে নূতন constitution হল সেই নূতন constitution অনুসারে বিভিন্ন Senate, Syndicate প্রভৃতি গঠন করতো। কিন্তু যে কোন কারণে হোক Government সোঁটা সরীচীন বলে মনে করেন না। এইজন্য নূতন নিয়ম করতে হয়েছে। সর্বপ্রথমে Vice-Chancellor সৃষ্টি করবেন যেমন বুজা "মনুকে" সৃষ্টি করেছিলেন তেমনি সর্বপ্রথম Vice-Chancellor সৃষ্টি করল। এ পর্য্যন্ত ঠিক আছে। মনু সৃষ্টি করার পর মানব সৃষ্টি হবে। কিন্তু অনেক মনু সৃষ্টি করেছেন এক কলমের বোঁচায়। Vice-Chancellor-এর সৃষ্টি করলেন এটা বুঝলাম। তা না হয় করলেন।

সর্বপ্রথম constitution বা reconstitution of the Universityর জন্য যে সমস্ত election করা হয় তা তাঁরা করবেন, তাদের উপর এঁরা বিশৃঙ্খল স্থাপন করতে পারেন না, সেইজন্য যে কোন বকমেই হোক ওদের নূতন Vice-Chancellor আনা,—এই পর্য্যন্ত যাওয়া উচিত, যে পর্য্যন্ত না গেলে নয়। তাহলে আমি এটা বুঝি যে প্রথম Vice-Chancellor করার পরে প্রথম Senate করে দিলেন, এরপরে Syndicate করে দিলেন। তারপরে আরও যেতে চাচ্ছেন কেন? যে Vice-Chancellor এখানে appointed হবে, তারজন্য Syndicate তিনটি নামের panel ক'রে পাঠালে সেই নামের মধ্যে একজনকে Chancellor, in consultation with the Education Minister Vice-Chancellor-এর পরে appoint করবেন। কিন্তু এখানে first Vice-Chancellor নিয়োগ আরও শক্ত। তাকে State Government appoint করবেন। অর্থাৎ কোন Government Official বললেই হয় তিনি দুই বৎসরের জন্য Vice-Chancellor থাকবেন এই হচ্ছে তাদের proposal. আমি ধরে নিলাম এইটুকু না হয় সহ্য করা গেল তারপর তাকে ছেড়ে দিন। যে পর্য্যন্ত University চালু না হয় সে পর্য্যন্ত তাকে রাখুন। সে কোন্ পর্য্যন্ত? তিনি Senateকে constitute করুন এই পর্য্যন্ত। তারপর কেন তিনি Syndicate করবেন, কেন তিনি Academic Council ও Board of studies করবেন? এ পর্য্যন্ত করার কারণ কি, তা আমি বুঝতে পারি না। Senate করে ছেড়ে দিন। আইন অনুসারে যখনই Senate হয়ে গেল তখনই সোঁটা supreme administrative body of the University তৈরী হ'ল। Senateই election-এর আইন করবেন। তাঁরই election চালাবেন। Clause 19, item (XX)তে Senate-এর হাতে ক্ষমতা দেওয়া হয়েছে to make statutes regulating the methods of election to the authorities of the University and the procedure at meetings of the senate এবং অন্য সমস্ত ক্ষমতাও senate-এর উপর

• আছে। তারপর senate ভেরী হয়ে গেল। Syndicate, Academic Council, Board of studies and other authorities of the University and the quorum of members, তার constitution, তার গঠন, তার election, সমস্ত কিছু ব্যাপারে senateকে ক্ষমতা দেওয়া হয়েছে। এই পর্যন্ত না করে Syndicate পর্যন্ত তার আসা কেন? এর উদ্দেশ্য কি আছে? তবে কার মনে কি আছে বলা-বার না এবং সেটা বলা উচিতও নয়। আমার মতে গভর্নমেন্ট senate করে খেমে যান। পট্টের বা কিছু আছে সেগুলি senate করুক। যে কোন কারণেই হোক বর্তমান Universityর উপর সেই ভার দেওয়া যায় না। Syndicate, Board of study, তাঁরা করছেন তাঁদের লোকসারা। এবং first Vice-Chancellor তিনি pure and simple গভর্নমেন্ট nominee হচ্ছেন, সেও তাঁদের লোক। এতদূর পর্যন্ত unconstitutional wayতে যাওয়ার কারণ কি? এতএব আমার যে পুস্তাব তা অভ্যস্ত সমীচীন।

পুঁথর Vice-Chancellorএর appointment Government না ক'রে Chancellor বা Governor যিনি আছেন তিনিই করুন। তারপরে Vice-Chancellor Chancellorর সঙ্গে পরামর্শ ক'রে একটা Advisory Committee করে নিয়ে rules ইত্যাদি করুন। তারপরে Senate, Syndicate, Academic Council, Boards of studies ইত্যাদি যে সমস্ত authorities আছে, তারা সেই সমস্ত constitute করুন। এটা খুবই সমীচীন পুস্তাব। এই জিনিষটা যদি তাঁরা না করেন তাহলে, ওঁরা যে Universityকে ভাল constitution দিয়ে reconstitute করতে চাচ্ছেন সেটা failure হয়ে যাবে এবং এটা একটা Governmental set-upএ পরিণত হবে। সুতরাং আমার এই সমীচীন ও অভ্যস্ত যুক্তিসূক্ত পুস্তাবটা গভর্নমেন্টের গ্রহণ করা উচিত।

দ্বিতীয় কথা হচ্ছে, গভর্নমেন্টের যে পুস্তাব amendment আকারে এসেছে তা মাননীয় শ্রীকার মহাশয় একটু লক্ষ্য করেন তাহলে দেখবেন সেই পুস্তাবের একটা clause বোধ হয় out of order হবে।

**Mr. SPEAKER:** Which is that?

**8J. OHARU CHANDRA BHANDARI:** Amendment No. 112E. Sub-clause (2) says: The first Vice-Chancellor shall, with the approval of the Chancellor and with the assistance of a Committee consisting of not more than six members nominated by the Chancellor, cause the first Statutes, the first Ordinances and the first Regulations of the University to be framed.

এখন এই first Statutes বানে কি? এর ordinary dictionary meaning ছাড়া আর কোন legal meaning হবে না। আমার point of order হচ্ছে এর কোন ক্ষমতা নেই—The first Vice-Chancellor with the approval of the Chancellor and with the assistance of a Committee তাদের কোন Statutes, Ordinances বা Regulations ক'রবার ক্ষমতা নেই—এটা meaningless এবং out of order হবে।

Let us come to clause 2(i): Statutes, Ordinances and Regulations mean respectively the Statutes, Ordinances and Regulations of the University made under this Act and they shall be deemed, etc., etc.

সব পড়বার দরকার নেই। Statutes, Ordinances and Regulationsএর বানে হবে made under this Act. The University means the University of Calcutta as reconstituted under this Act. অতএব University বতকণ পর্যন্ত না reconstituted হয়ে Statutes হয়, তার বানে, মাননীয় শ্রীকার মহাশয় লক্ষ্য করবেন, clause 19A বলে দেখুন: তাতে আছে—In particular and without prejudice to the generality of the powers conferred by section 18 the Senate shall have the power to make Statutes appeal or repeal the same.

আচ্ছা, then please come to the Ordinances, clause 22. The Syndicate shall have the following powers, namely, to make Ordinances and amend or repeal

the same etc., etc., এবং তারপর Regulation হচ্ছে, clause 2৯, সেখানে বলা হয়েছে—Academic Council shall have the power to make Regulations and amend or repeal the same. অতএব কোন আয়গার যদি Statutes, Ordinances and Regulationএর কথা থাকে, তা'হলে তার অর্থ এই দাঁড়াবে যে reconstituted Universityতে কোন Statutes, Regulations হ'তে পারে না।

**Mr. SPEAKER :** Is there any amendment to the definition of the University?

**The Hon'ble RAI HARENDRA NATH CHAUDHURI :** Sir, let him speak and we shall answer his point.

**SJ. CHARU CHANDRA BHANDARI :** Definition of University is in clause 2(1). University means the University of Calcutta.

**The Hon'ble Dr. BIDHAN CHANDRA ROY :** আপনি নতুন amendment, sub-section (9)টা পড়ে দেখুন না। Sub-section (9) of clause 52.

**SJ. CHARU CHANDRA BHANDARI :** অতএব কোন Statutes, Ordinances and Regulation কোন কিছু হ'লি—that must be by the reconstituted University.

অতএব Statutes, Ordinances and Regulationsএর কি মানে? এখানে তার কোন definition কিছু নাই। একমাত্র যা definition আশা পাচ্ছি, তা হচ্ছে sub-clause (9) ছাড়া আর কোন জিনিষ হ'তে পারে না।

First Ordinance, first Statutesএর কি অর্থ হবে? কোন meaningless কথা তো হয় না। Statutes ও Ordinances তফাৎ করবার কি অর্থ আছে? Statutes মানে যা Senate করবে, Ordinance মানে যা Syndicate করবে এবং Regulation মানে যা Academic Council করবে। এখানে Statutes মানে কি তবু ordinary dictionary meaning হবে? এর কত মানে হ'তে পারে কত মানে এখানে আছে। কিন্তু আমার মতে এর এক মাত্র মানে হবে যা clause 2তে বলা হয়েছে। এ ছাড়া কিছু হবে না। Constitutionতে বলা হ'য়েছে যে Syndicate constituted হবে by the Senate এবং according to the rules made by the Senate, or Statutes made by the Senate. শুধু সে provision সম্পর্কে এই কথা বলা হচ্ছে। কারণ সেই transitional periodএর জন্য একটা rule করা হচ্ছে, একটা আলাদা constitution করা হচ্ছে। বলা হচ্ছে first reconstitution of the University. এটা meaningless. এখানে Vice-Chancellor with the assistance of an Advisory Committee তিনি এই Universityকে reconstitute করতে পারবেন। কিন্তু এই Actএর মধ্যে বিধান আছে তিনি তু করতে পারবেন না এবং করলে সেটা অন্যায় হবে। এতে Senate, Syndicate and Academic Councilএর constitutionটা আলাদা আলাদা ভাবে দেওয়া হয়েছে। এ রকম হতে পারে না, এই termগুলো meaningless. First যে কমিটি with the help of the Vice-Chancellor হবে, তখন এই Statutes, Ordinancesএর কি মানে আমরা বুঝবো? What other meaning is there in the Act? তা যদি হয় তাহলে সেটা সম্পূর্ণ meaningless হয়—without any reference as defined in the clause 2—এর কোন মানে থাকে না। তাঁরা দেখিয়ে দিন একই Body যে Statutes করবে, Ordinances করবে, Regulation করবে, এ তিনটা কথার অর্থ কি? তবু notwithstandingএর মানে হচ্ছে reconstitution of the Senate, reconstitution of the Syndicate and reconstitution of the Academic Council—তাদের constitute করবার যে বিধান এই আইনের মধ্যে আছে, সেই বিধান এখানে পূরোজ্য হবে না। এখানে special বিধান আছে যে Vice-Chancellor with the assistance of a Committee সব কিছু করবেন। কিন্তু এই meaning Statuteএ নেই except as under clause 2. এই হচ্ছে আমার point of order.

**Mr. SPEAKER :** Let me understand your objection to the word "first".

**Sj. CHARU CHANDRA BHANDARI :** No, my objection is to the words Statutes, Ordinances and Regulations because under this Act the Vice-Chancellor has the authority to make the first Statute এবং Statute-এর কোন মানেই থাকবে না। যদি Statute-এর কোন মানে হয় তা'হলে Ordinance-এর কি মানে হবে? এবং তা'হলে Regulation-এরই বা কি মানে হবে? অতএব এটা word-এর কোন মানে হয় না। এটা word ব্যবহার করলে এটা word-এরই আলাদা আলাদা মানে দিতে হবে।

**The Hon'ble Rai HARENDRA NATH CHAUDHURI :** Mr. Speaker, Sir, Mr. Charu Chandra Bhandari is labouring under a misapprehension that Statutes, Ordinances or Regulations can only mean Statutes, Ordinances and Regulations passed under clauses 19, 22 and 28 respectively. That is a misconception. If you look at the definition of Statutes, Ordinances and Regulations as given in clause 2(i), you will find that Statutes, Ordinances and Regulations mean Statutes, Ordinances and Regulations of the University made under this Act. There is no reference to the particular clauses referred to by Mr. Charu Chandra Bhandari, viz., clauses 19, 22 and 28. The definition says in general terms, Statutes, Ordinances and Regulations made under this Act. Now, amendment No. 112E says that the first Statutes, the first Ordinances and the first Regulations will be made under the new section 52. Therefore, the first Statutes, the first Regulations and the first Ordinances will be made under this Act, viz., under section 52 of the Act. Therefore, there can be no such conflict as has been envisaged by Mr. Charu Chandra Bhandari.

So far as sub-section (9) is concerned, it is only to prevent all misconceptions that sub-section (9) has been added to clause 52 under the new amendment 112E. Sub-section (9) says that notwithstanding anything appearing anywhere in the Act, this section will come to prevail. Therefore, the first Statutes, the first Ordinances, the first Regulations made under the new clause 52 will prevail despite the other provisions of the Act.

**Mr. SPEAKER :** What do you mean by first—the first batch?

**The Hon'ble Dr. BIDHAN CHANDRA ROY :** The point is that the word "first" is used in this sense that this particular formation of the Committee for the purpose of the Statutes, Ordinances, etc., and the formation of the other authorities will be the first act under the transitory section and subsequently after they have formed the Statutes, the ordinary Senate, Syndicate, Board of Studies, etc., will be formed. So, "first" means first in point of time.

**Mr. SPEAKER :** The position is this that Statutes have been defined in clause 2(i)—"Statutes", 'Ordinances' and 'Regulations' mean respectively, the Statutes, Ordinances and Regulations of the University made under this Act".

**Sj. CHARU CHAUDRA BHANDARI :** Yes, "of the University made under this Act"—the word "University" is an important thing.

**Mr. SPEAKER :** Quite so. Statutes, Ordinances and Regulations mean respectively the Statutes, Ordinances and Regulations of the University made under this Act. So far as this Act is concerned, this clause 52 is also under this Act. Therefore, that objection cannot hold good. Now, you say that these Statutes, Ordinances and Regulations of

the University—University means the University of Calcutta, as reconstituted under this Act. According to the definition, it has become constituted under the Act—under the amendment put by Mr. Susil Kumar Banerjee. Thus University means the University of Calcutta, as constituted under this Act.

**SJ. CHARU CHANDRA BHANDARI:** It has the same meaning whether constituted or reconstituted. মানে এছার constitution না হওয়া পর্যন্ত নতুন Syndicate and Senate হবে—তারা করতে পারবেন।

**MR. SPEAKER:** So far as the University is concerned, that is constituted under this Act—as soon as this Act comes into force. Now, this clause 52 comes into force immediately the University is constituted.

**SJ. CHARU CHANDRA BHANDARI:** No, before the constitution of any of those clauses relating to the transition period—before the constitution of any authority of the University, Senate, Syndicate or Academic Council.

তা হবার আগে এই জিনিষটা কি করে হতে পারে? তা'হলে সেটা একটা special meaning দিতে হয়। For the purpose of that clause Regulations-এর একটা special meaning দিতে হয়, Ordinance-এর একটা special meaning দিতে হয় এবং unless that is given যতক্ষণ তা না দিয়ে এটা করা হচ্ছে ততক্ষণ এর কোন মানে হয় না।

**MR. SPEAKER:** Have you finished your other point or that is the only point?

**SJ. CHARU CHANDRA BHANDARI:** আমি শুধু এই pointটা places করতে চাই যে, Statute-এর আর কোন অর্থই হয় না unless it is constituted by the University under the new constitution under this Act. যেটা বিবেচিত হওয়ার আগেই section 52 এসেছে। এখানে কিন্তু Statute বা Ordinance এই কথা ব্যবহার করা যায় না, তাই আমার objection. তা কববার আগে তার একটা special meaning দিতে হয়, না হলে জিনিষটা meaningless পাকে।

মাননীয় স্পীকার মহাশয়, আপনি যদি ভাল করে দেখেন—Statute মানে rule, Ordinance মানে rule, Regulation মানেও rule, কিন্তু University-ও অন্য কথা ব্যবহার হয়। সেখানে যেটা Senate করে তার নাম Statute, যেটা Syndicate করে তার নাম Ordinance, আর যেটা academic council করে তার নাম Regulation—সব একই জিনিষ, whether it is made by this body or that body. অতএব এখানে একথা যে উদ্দেশ্যে করা বলছেন সেটা Statute, Ordinance বা Regulation একথা বিবেচনা করবার কোন কারণ নেই। তা'হলে তার পৃথক meaning কখন। Election-এর rule করবেন, তার নাম Statute করুন, বা তাকে Ordinance বলুন বা ruleই বলুন, এটা কথা বলার কি প্রয়োজন থাকতে পারে? এর কোন মানে হয় না, এটা meaningless and out of order.

**MR. SPEAKER:** So far as this point is concerned, it appears to me that this sub-clause (g) is a saving clause. “The provisions of this section shall have effect notwithstanding anything contained elsewhere in this Act or in any other law.” I understand that this sub-clause (g) saves everything. Whatever is contained in other parts of this Act, this clause saves everything. Now what is the meaning of Statutes, Ordinances and Regulations? Well, they are defined here that they mean respectively the Statutes, Ordinances and Regulations of the University made under this Act meaning thereby that the Senate makes Statutes, the Syndicate makes Ordinances and the Academic Council makes Regulations. All these three things made under this clause will be valid, because this



saving clause, sub-clause (9) saves so far as this clause is concerned. Whatever may be the meaning of these words elsewhere, so far as this sub-clause is concerned, you may say that the authority vested in the Vice-Chancellor with the assistance of the Committee excludes every other thing that is contained in the Act.

**SJ. CHARU CHANDRA BHANDARI:** কিছু তার অর্থ কি হবে? Statute কি জিনিষ, আর যে দুটো word রইল তার কি একই অর্থ হবে? Same জিনিষ, তার অন্য একটা কথাই হবে এটা কথা বলার কারণ নাই।

**Mr. SPEAKER:** Strictly speaking, this does not come under a point of order. But it appears to me that the objection raised with regard to the wording of this section cannot hold ground for the simple reason that whatever meaning might have been given to the Statutes, Ordinances and Regulations elsewhere, it is not binding upon it. Rather you should construe it like this that what is popularly called Statute, what is popularly called Ordinance and what is popularly called, so to say, Regulation—they are practically rules of the University—

**SJ. CHARU CHANDRA BHANDARI:** এই জিনিষটা হয় না, একই জিনিষের বিভিন্ন word কি করে হবে?

**Mr. SPEAKER:** What appears to me is this: So far as the Act is concerned, it has made a differentiation between what are Statutes, what are Ordinances and what are Regulations. Practically they are the rules. Only when it is framed by the Senate, it is called Statute; when it is framed by the Syndicate, it is called Ordinance; when it is framed by the Academic Council, a different name is given, but they are all practically the rules of the University. Now so far as these bodies are concerned, the powers vested in these bodies by this clause 52 are vested in the Vice-Chancellor.

**SJ. CHARU CHANDRA BHANDARI:** সেটা in so many words বলার কোন মানে হয় না, শুধু rule বলেই হয়।

**Mr. SPEAKER:** It is said "the first Vice-Chancellor shall with the approval of the Chancellor and with the assistance of an Advisory Committee, consisting of not more than six members nominated by the Chancellor, etc." Now this is the body which is in place of the entire Senate, Syndicate and the Academic Council and everything and it frames everything which they have to frame in the name of Statute or other things. Of course, it is not a point of order. If there be a confusion, the court will look at it. So far as I am concerned, I will not rule it out. This clause is a saving clause and it appears to me that the meaning which ought to be put to these words "Statutes, Ordinances and Regulations" should be the meaning which is popularly understood. I say that they are merely rules so long as they are not elsewhere defined.

**SJ KANAI LAL DEY :** মাননীয় সভাপাল মহাশয়, এই ব্যাপার নিয়ে যে বিতর্কের সৃষ্টি হয়েছে এখন পর্যন্ত সেটা সম্পূর্ণভাবে নিরসন হয়নি। শিক্ষামন্ত্রী মহাশয় পূর্বের যে রকমভাবে বলেছিলেন clause 9-a, এখন তা বলতে পাচ্ছেন না, তিনি পরামর্শ করছেন এজন্য পুত্ৰাব করছি যদি ১৫ মিনিট House adjourn করেন তাহলে ভাল করে পরামর্শ করা যাবে, নতুবা এ রকম defect যদি থেকে যায়। University Bill-এর বস্তু একটা important ব্যাপারে তাহলে Legislature-এর পক্ষে তা মোটেই প্রশংসনীয় হবে না। কাজেই এই সমস্যা সম্পূর্ণরূপে নিরসন হ'লে ভাল হয়।

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** Sir, I have said my say. I am advised and I am definite there will be no difficulty. Not only that; there is another saving clause apart from clause 52(9). If any difficulty arises, the Government has the power to make rules to remove that difficulty. There is saving clause after saving clause and we do not apprehend any difficulty whatsoever.

**Mr. SPEAKER:** I have got nothing more to add. What I feel is this: that certain things are to be done by the Senate, certain things are to be done by the Syndicate and certain things are to be done by the Academic Council. And they have given different names to the same thing. I need not discuss this matter further.

**Sj. CHARU CHANDRA BHANDARI:** এককম বস্তু ভাল হয় the first Vice-Chancellor with the Committee.—

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** As we are not in doubt, we are not going to accept the advice of Sj. Charu Chandra Bhandari on legal points.

**Sj. CHARU CHANDRA BHANDARI:** প্রতিদিন *ultra vires* হচ্ছে দেখতে পাচ্ছি।

**The Hon'ble Dr. BIDHAN CHANDRA ROY:** That is for the Speaker to say. Mr. Speaker says that it is not *ultra vires*.

The motion of Sj. Charu Chandra Bhandari that in sub-clause (1) of the proposed amendment (No. 112E) to clause 52 of Sj. Susil Kumar Banerjee, line 3, the words "in consultation with the Minister" be omitted, was then put and lost.

The motion of Sj. Charu Chandra Bhandari that for sub-clauses (2) to (5) of the proposed amendment (No. 112E) to clause 52 of Sj. Susil Kumar Banerjee, the following be substituted, namely:—

- “(2) The first Vice-Chancellor shall within six months from the date of his appointment, as the State Government may, by notification, direct cause arrangements to be made for constituting the Senate in accordance with the provisions of rules made under sub-section (3).
- (3) Subject to the approval of the Chancellor, the first Vice-Chancellor shall, with the assistance of an Advisory Committee, make rules for the methods and the conduct of the election for the constitution of the Senate.
- (4) The Senate shall commence to function with effect from the date not later than one month of its constitution, as may be appointed by the State Government, and constitute the Syndicate, the Academic Council, the Faculties and the Boards of Studies, in accordance with the provisions of the Statutes made by it for regulating the methods and the conduct of their elections, within six months of the date on which it commences to exercise its functions.
- (5) The State Government shall, thereupon by notification in the *Official Gazette*, specify a date and from such date the Syndicate, the Academic Council, the Faculties and the Boards of Studies shall commence to function.”

The motion of Sj. Charu Chandra Bhandari that in sub-clause (7) of the proposed amendment (No. 112E) to clause 52 of Sj. Susil Kumar Banerjee.

lines 2 and 4, for the words, brackets and figure "the first Statutes, the first Ordinances and the first Regulations as framed under sub-section (2)" the words, brackets and figures "the rules and the Statutes as made under sub-sections (3) and (4) respectively" be substituted, was then put and lost.

The motion of Susil Kumar Banerjee that for clause 52, the following be substituted, namely:—

"52. (1) The Chancellor shall within three months from the date of the publication of this Act in the *Official Gazette*, appoint, in consultation with the Minister, on such terms and conditions as he thinks fit, a person to be the Vice-Chancellor.

Such Vice-Chancellor (in this Act referred to as 'the first Vice-Chancellor') shall hold office for a period of ~~two~~ years and upon his appointment, the person holding office as the Vice-Chancellor of the University of Calcutta immediately before the date of such appointment, shall vacate his office.

(2) The first Vice-Chancellor shall, with the approval of the Chancellor and with the assistance of a Committee consisting of not more than six members nominated by the Chancellor, cause the first Statutes, the first Ordinances and the first Regulations of the University to be framed.

(3) The first Vice-Chancellor shall within six months from the date of his appointment or within such longer period, not exceeding one year from the date of his appointment, as the State Government may, by notification, direct, cause arrangements to be made for constituting the Senate, the Syndicate, the Academic Council, the Faculties and the Boards of Studies in accordance with the provisions of the first Statutes, the first Ordinances and the first Regulations as framed under sub-section (2), as if they had already come into force.

(4) The State Government shall by notification in the *Official Gazette*, appoint a date, and on and from such date the Senate, the Syndicate, the Academic Council, the Faculties and the Boards of Studies shall commence to exercise their respective functions and the first Statutes, the first Ordinances and the first Regulations as framed under sub-section (2) shall come into force and be the first Statutes, the first Ordinances and the first Regulations of the University.

(5) The first Statutes, the first Ordinances and the first Regulations of the University shall remain in force until new Statutes, new Ordinances and new Regulations are made under the provisions of this Act.

(6) On and from the appointed day, Act II of 1857, and the Indian Universities Act, 1904, so far as it applies to the University of Calcutta, shall stand repealed:

Provided that until such repeal references to the Vice-Chancellor under the said Acts shall be deemed to be references to the first Vice-Chancellor.

(7) In construing the provisions of section 17, section 21 and section 27, and in construing the provisions of the first Statutes, the first Ordinances and the first Regulations as framed under sub-section (2) in relation to the constitution under this section, of the

Senate, the Syndicate, the Academic Council, the Faculties and the Boards of Studies, references to the heads of departments of teaching of the University, the University Professors, University Readers and University Lecturers and Teachers of the University shall be deemed to be references to the persons holding offices respectively as the heads of departments of teaching, Professors, Readers, Lecturers and Teachers of the University of Calcutta, immediately before the date of the appointment of the first Vice-Chancellor.

(8) The first Vice-Chancellor may, subject to the sanction of the Chancellor, appoint such administrative, clerical and other staff as he deems necessary for giving effect to the provisions of this section.

(9) The provisions of this section shall have effect notwithstanding anything contained elsewhere in this Act or in any other law."

was then put and agreed to.

The question that clause 52, as amended, do stand part of the Bill, was then put and agreed to.

#### Clause 53.

The question that clause 53, do stand part of the Bill, was then put and lost.

#### Clause 54.

**Sj. SHYAMAPADA BHATTACHARYYA:** Sir, I beg to move that for clause 54, the following be substituted, namely:—

"54. If any difficulty arises as to the first constitution of any authority of the University under this Act, or otherwise in giving effect to the provisions of this Act, the State Government, as occasion may require, may by order do anything which appears to it to be necessary for the purpose of removing the difficulty, and such order may provide for the continuance of any authority or officer existing or holding office immediately before the date of the appointment of the first Vice-Chancellor until the corresponding authority or officer is appointed under this Act".

**Sj. CHARU CHANDRA BHANDARI:** I beg to move that in the proposed amendment of Sj. Shyamapada Bhattacharyya to clause 54, lines 3 and 4, for the words "the State Government" the words "the Chancellor" be substituted.

আমার এই সংশোধনের উদ্দেশ্য হচ্ছে এই যে clause 54এ বলা হয়েছে যদি কোন গোলমাল হয়, সেটা সমাধান করার তার থাকবে Governmentএর উপর। Governmentএর উপর তার দেওয়ার কোনই কারণ নাই। কারণ সেই তার Chancellorএর উপর থাকা উচিত। তাই State Government সেখানে মাথা গুঁজবার প্রয়োজন নাই। অনেক control সেখানে আছে আর মাথা গলাবার দরকার নাই। এটা Chancellor উপরেই ছেড়ে দিলে সমীচীন ও শোভনীয় হয়।

The motion was then put and lost.

The motion of Sj. Shyamapada Bhattacharyya that for clause 54, the following be substituted, namely:—

"54. If any difficulty arises as to the first constitution of any authority of the University under this Act, or otherwise in

giving effect to the provisions of this Act, the State Government, as occasion may require, may by order do anything which appears to it to be necessary for the purpose of removing the difficulty, and such order may provide for the continuance of any authority or officer existing or holding office immediately before the date of the appointment of the first Vice-Chancellor until the corresponding authority or officer is appointed under this Act.”,

was then put and agreed to.

The question that clause 54, as substituted, do stand part of the Bill, was then put and agreed to.

*Clause 55.*

**SJ. SHYAMAPADA BHATTACHARYA:** Sir, I beg to move that in clause 55, lines 4 and 5, for the words “commencement of this Act” the words “appointed day” be substituted.

The motion was then put and agreed to.

The question that clause 55, as amended, do stand part of the Bill, was then put and agreed to.

*Clause 56.*

**SJ. SHYAMAPADA BHATTACHARYA:** Sir, I beg to move that in clause 56, line 2, for the words “or servants” the words “or other employees” be substituted.

The motion was then put and agreed to.

The question that clause 56, as amended, do stand part of the Bill was then put and agreed to.

*Clause 57.*

The question that clause 57 do stand part of the Bill was then put and lost.

*Clause 58.*

The question that clause 58 do stand part of the Bill was then put and lost.

*Schedule I.*

The question that Schedule I do stand part of the Bill was then put and lost.

*Schedule II.*

The question that Schedule II do stand part of the Bill was then put and lost.

*Clause 2.*

The motion of S<sub>J</sub>. Susil Kumar Banerjee, that after clause 2(a), the following be inserted, namely:—

“(aa) ‘appointed day’ means the date referred to in sub-section (4) of section 52;”,

was then put and agreed to.

The motion of Sj. Charu Chandra Bhandari that after clause 2(a), the following be inserted, namely:—

(aa) 'appointed day' means the respective date appointed under sub-section (2) of section 1 for the coming into force any of the provisions of this Act,"

was then put and lost.

The motion of Sj. Susil Kumar Banerjee that in clause 2(a), line 3, for the words "the coming into force of section 3 of this Act" the words "the appointed day" be substituted, was then put and agreed to.

The question that clause 2, as amended, do stand part of the Bill, was then put and agreed to.

#### *Clause 3.*

The motion of Sj. Susil Kumar Banerjee that in clause 3(1), line 5, for the words "are hereby constituted" the words "shall on and from the appointed day constitute" be substituted, was then put and agreed to.

The question that clause 3, as amended, do stand part of the Bill, was then put and agreed to.

#### *Clause 5.*

The motion of Sj. Susil Kumar Banerjee that in clause 5(9), lines 4 and 5, for the words "the coming into force of section 3 of this Act" the words "the appointed day" be substituted, was then put and agreed to.

The question that clause 5, as amended, do stand part of the Bill, was then put and agreed to.

#### *Clause 19.*

The motion of Sj. Susil Kumar Banerjee that in clause 19(6), lines 6 and 7, for the words and figure "coming into force of section 3" the words "appointed day" be substituted, was then put and agreed to.

The question that clause 19, as amended, do stand part of the Bill, was then put and agreed to.

#### *Clause 48.*

The motion of Sj. Shyamapada Bhattacharyya that in clause 48(2), lines 1 and 2, for the words "the date of commencement of this Act" the words "the appointed day" be substituted, was then put and agreed to.

The question that clause 48, as amended, do stand part of the Bill, was then put and agreed to.

#### *Clause 51.*

The motion of Sj. Shyamapada Bhattacharyya that in clause 51, lines 4 and 5, for the words "coming into force of section 3" the words "appointed day" be substituted, was then put and agreed to.

The question that clause 51, as amended, do stand part of the Bill, was then put and agreed to.

#### *Preamble.*

**SJ. SHAYAMAPADA BHATTACHARYYA:** Sir, I beg to move that in line 5 of the first paragraph of the preamble for the words "Constituent and Affiliated" the word "the" be substituted,

The motion was then put and agreed to.

The question that the preamble, as amended, do stand part of the Bill, was then put and agreed to.

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** Sir, I beg to move that the Calcutta University Bill, 1951, as settled in the Assembly, be passed.

**Dr. SURESH CHANDRA BANERJEE :** মাননীয় স্পীকার মহোদয়, আমি কাল বলেছি, আজও বলছি যে এই বিলের জন্য আমি গভর্নমেন্টকে সর্বাঙ্গীণে ধন্যবাদ দিতে পারি না। কারণ কাল বলেছি গভর্নমেন্ট এক দিকে যেমন constitutionটা অনেকখানি গণতান্ত্রিক করেছেন অন্যদিকে তেরনি যারা এই constitutionকে কাজে রূপ দেবেন অর্থাৎ যারা বিশ্ববিদ্যালয়ের প্রধান কর্মচারী হবেন, যেমন Chancellor, Vice-Chancellor এবং Treasurer—উঁদের নিয়োগের ব্যবস্থা গণতন্ত্রসম্মত হয়নি। যেখানে পুশান কর্মচারীরা গণতন্ত্রসম্মত উপায়ে নিযুক্ত হয় না সেখানে কোন গণতান্ত্রিক শাসনব্যবস্থা গণতান্ত্রিক উপায়ে কাজ করতে পারে না, এই কথা আমি কাল বলেছি। এই সব অফিসারদের মধ্যে Vice-Chancellor হচ্ছেন সর্বপুশান অর্থাৎ most important officer; কারণ তিনি হচ্ছেন Executive head of the Syndicate. এই Vice-Chancellorএর নিয়োগ সম্বন্ধে আমরা সেইজন্য দুইবার হাউসকে divide করেছি। দুইবার সীটসকে divide করেছি তার\* থেকেই বুঝা যায় কতখানি গুরুত্ব এই appointmentএর উপর আমরা আরোপ করেছি। কিন্তু গভর্নমেন্ট আমাদের কোন প্রস্তাবই গ্রহণ করেনি। Vice-chancellorএর নিয়োগ সম্বন্ধে তিনটি কথা আমরা বলেছিলাম। প্রথম কথা এই, যে Syndicate কেবলমাত্র একটি নাম Chancellorএর কাছে পাঠাবেন এবং Chancellor হয় তাঁকে নিয়োগ করবেন নয় অন্য নাম চেয়ে পাঠাবেন, কিন্তু কোন অবস্থাতেই নিজে নাম প্রস্তাব ক'রে তাঁকে নিয়োগ করতে পারবেন না। দ্বিতীয় কথা এই ছিল যে Vice-Chancellorএর appointment will be for a period of six years. কারণ ছয় বৎসর কাজ না করলে তাঁর যে যোগ্যতা আছে, সেই যোগ্যতা সম্পূর্ণরূপে কাজে লাগান সম্ভবপর হবে না। আর তৃতীয় কথা এই ছিল যে তাঁকে পুননিয়োগ করা সম্ভব হবে না, কারণ যেখানে পুননিয়োগের সম্ভাবনা থাকে সেখানে নানারূপ কদাচার প্রবেশ করতে পারে। আমাদের এই কথার উত্তরে কাল মুখ্যমন্ত্রী ডাঃ রায় তিনটি কথা বলেছিলেন। তিনি প্রথম বলেছিলেন যে যিনি Vice-Chancellor নিযুক্ত হবেন he may a form clique in the Syndicate. তাঁর এই কথার উত্তরে আমার বক্তব্য এই যে, হ্যাঁ, democracyতে clique করার সুযোগ সর্বদাই আছে, এবং তার ভয়ও সর্বদা আছে কিন্তু তাই বলে কেউ কখনও democracyএর পথ পরিত্যাগ করেনি। এবং clique করবে বলে কেউ কখনও democracyর নিন্দাও করেনি। এক্ষেত্রে Syndicate যাদের নিয়ে গঠিত তাদের নিয়ে clique করা বড় সোজা কথা নয়। আমি আর তাদের নাম পড়ে শোনতে চাই না, কাল এ সম্বন্ধে যথেষ্ট বলা হয়েছে। সুতরাং cliqueএর কথাটা তোলা মোটেই সমীচীন হয়নি।

তারপর Dr. Roy দ্বিতীয় মুক্তি এই দেখিয়েছেন, আমি বলেছিলাম তাঁকে এক termএর জন্য নিয়োগ করা হবে ছয় বৎসরের জন্য, এবং পরে আর তাঁকে নিযুক্ত করা হবে না; Dr. Roy তাব উত্তরে বলেছিলেন একজন লোক যদি ভালভাবে কাজ করে, তাকে পুনরায় কেন নিযুক্ত করা হবে না? একটা কথা বোধ হয় Dr. Roy ভুলে গিয়েছেন যে in democracy he is the best man who is most democratic-minded. কিন্তু খুব বেশী ক্ষমতা আছে এমন লোকই সর্বদা democracyতে is not considered the best man. Throughout the history of the world এই জিনিষটা দেখা গিয়েছে যে, সমস্ত দেশের লোকেরা যত অধিক গণতান্ত্রিকতাবাদশাসন সেই সব দেশের লোকেরা শক্তিশালী পুরুষদের তত বেশী ভয় করে। আমরা অনেক president অনেক dictator দেখেছি; যত বেশী শক্তিশালী হউক না কেন তাঁরা শেষ পর্যন্ত টিকতে পারেন নি। দ্বিতীয় বিশ্বযুদ্ধ স্তর হবার পর চাচিল কতখানি শক্তিশালী হয়ে উঠেছিলেন সকলেই জানেন, কিন্তু তার পরে তাঁর পক্ষে আর Prime Minister হওয়া সম্ভব হল না; এর কারণ খুব শক্তিশালী হলেই মানুষ dictator হ'তে চায়, a dictator may be good, may be very efficient কিন্তু গণতান্ত্রিক লোক যারা দ্বারা dictator মনোভাবাপন্ন শক্তিশালী লোকদের আদৌ পছন্দ করে না। সুতরাং Dr. Roy যে argument দিয়েছেন তা মোটেই খাটে না। আর তৃতীয় কথা তিনি যা বলেছেন তা অতি সর্বনেশে কথা—তিনি বলেছেন, হ্যাঁ, Ministerএর পরামর্শ নিয়েই Vice-chancellor নিয়োগ করা উচিত, কারণ

: Ministerএর সঙ্গে যদি Vice-Chancellorএর সহরম-সহরম থাকে অথবা Vice-Chancellor যদি Ministerএর মনোনীত ব্যক্তি হ'লে তবে টাকার ব্যাপারে সুবিধা হবে, অর্থাৎ Ministerএর একজন nominee যদি Vice-Chancellorরূপে Governmentএর নিকট যায় তাহ'লে গভর্নমেন্ট তাঁর দাবী সম্বন্ধে সুবিবেচনা করবেন এবং তাঁর পক্ষে টাকা পাওয়া সহজে সম্ভব হবে। এতবড় একটা বিশৃঙ্খলা ডাঃ রায়ের মতবিশিষ্ট লোকের মুখ থেকে কিকপে বেরুল তা ভেবে আমি অশ্রদ্ধা হয়ে গিয়েছি। Government টাকা দেবেন কাকে? Universityকে। It is the duty—it is the moral responsibility of the Government—to give money to the University. Government কর্তব্যজ্ঞানে টাকা দেবেন, তাতে কে Vice-Chancellor হন বা না হন, তিনি Ministerএর প্রিয়পাত্র কিনা, তিনি Ministerএর কথামত চলবেন কিনা সে কথা মোটেই বিবেচ্য নয়। এই সম্বন্ধে রাধাকৃষ্ণ কমিশনের নির্দেশ অতি স্পষ্ট। In page 405 of the report of the commission বলা হয়েছে—“The right public policy is to give a university the best possible constitution securing among other things of the inclusion of wisely chosen external members of the Governing Body and then to leave it free from interference.” এখন কর্তব্য হবে Governmentএর যথাসম্ভব টাকা দিয়ে দেওয়া এবং University তা যেভাবে সোচ্চার স্বাধীনভাবে খরচ করতে পারবে। Governmentএর প্রধানমন্ত্রী যে একথা বলতে পারেন যে Ministerএর মনোনীত Vice-Chancellor না হ'লে টাকা সম্বন্ধে সুবিচার হবে না এতবড় একটা সর্বশেষ কথা ডাঃ রায়ের মত বিজ্ঞ লোক যে বলতে পারেন তা আমি কল্পনাও করতে পারি না। সুতরাং আমি Governmentকে অনুরোধ করি অন্ততঃ Vice-Chancellorএর নিয়োগ সম্বন্ধে তাঁরা আমাদের কথা রাখুন এবং বিলটাকে আরেকটু স্পষ্ট করে তুলুন।

তারপরে টাকা সম্বন্ধে। যে ২৫ লক্ষ টাকা দেওয়ার কথা বলা হয়েছে তার মধ্যে ২০ লক্ষ টাকা পাবে University এবং ৫ লক্ষ টাকা non-Government colleges. আমার ঠিক মনে নাই Dr. Roy কি হরেনবাবু বলেছেন Central Governmentএর নিকট refer করা হয়েছে। রাধাকৃষ্ণ কমিশন বলেছে শুধু আমাদের দেশে নয়, সকল দেশেই Universityর টাকার প্রয়োজন ক্রমশ বাড়ছে। এ অবস্থায় শুধু State Governmentএর পক্ষে Universityর সকল প্রকার অভাব মিটান অসম্ভব। এই জন্য কেন্দ্রকে টাকা দিয়ে সাহায্য করতে হবে। State Governmentকেও যথাসম্ভব টাকা দিতে হবে। পশ্চিমবঙ্গে একটি মাত্র University, whereas Uttar Pradeshতে একাধিক University আছে। পশ্চিমবঙ্গে আরেকটা বিশ্ববিদ্যালয় হ'তে পারে—বিশুভারতী, কিন্তু তা হবে কেন্দ্রের অধীন। সুতরাং এই যে একটি মাত্র বিশ্ববিদ্যালয় ২৫ লক্ষ টাকা দাবী করেছে তা নিবিচারে Governmentএর দেওয়া উচিত। Governmentএর মনে রাখা উচিত এই ২৫ লক্ষ টাকা দাবী Universityর সমস্ত খরচ চলবে না। এরপরেও Central Governmentকে টাকা দিতে হবে। State Government যদি যথেষ্ট পরিমাণ দেন তাহ'লে তাঁরা Central Governmentকে বলতে পারেন “We have done our duty, now you must come forward.”

আর একটা কথা ব'লেই আমি শেষ করব। ডাঃ ঘোষ যে কথা বলেছেন—বাংলাভাষা to be the medium of instruction—তা নিশ্চয় থেকে উপর পর্য্যন্ত হওয়া উচিত। আমাদের প্রিয়বন্ধু বঙ্গভ্রমোদয় সাহেব যা বলেছেন সে কথাটাও ভাল, কিন্তু আমাদের বাংলাদেশের বর্তমান অবস্থায় তা কার্যকরী হবে না। পথের একটু অসুবিধা হ'তে পারে, কিন্তু বাংলা যদি medium হয় for the whole University নীচে থেকে উপর পর্য্যন্ত—তাহ'লে প্রথমে একটু অসুবিধা হ'তে পারে; কিন্তু এইরূপ একটা revolutionary step নেওয়া হলে ২১ বৎসরের মধ্যে বাংলাদেশের যে উন্নতি হবে, যদি তা না নেওয়া হয় তবে ১০০ বৎসরের মধ্যেও তা হবে না। বাংলাভাষাকে কেন medium of instruction করা হবে না তার পক্ষে কোন যুক্তি নাই। আমি বঙ্গবীর রাগে আর Governmentকে অনুরোধ করছি Universityর Vice-Chancellorএর নিয়োগ-সম্বন্ধে আমরা যে পুস্তক করেছি তার প্রতি সুবিচার করুন, তা না হ'লে এই বিল অনেকখানি reactionary বলে পরিগণিত হবে।



**Janab MUDASSIR HOSSAIN:** Mr. Speaker, Sir, I heartily congratulate the Hon'ble Education Minister that he has successfully piloted a very difficult Bill in this Assembly, and this he has done under the supervision and direction of the Hon'ble the Leader of the House who is a veteran in the University.

Now, Sir, the necessity which has arisen for introducing this Bill is the reorganisation of the University of Calcutta, so that it may effectively function as a teaching University and continue to exercise due control over constituted and affiliated colleges. That is the purpose of this Bill. Now, Sir, whether this Bill has succeeded in providing measures for the purpose of effectively functioning as a teaching University and continuing to exercise due control over constituted and affiliated colleges, that is the only question before the House.

Sir, I have heard the speeches which have been delivered by the Hon'ble Education Minister, the Hon'ble the Leader of the House and the honourable Opposition leaders and members; and I must congratulate all of them for the help which they have rendered in putting this Bill in proper shape. Sir, Dr. Ghosh was in the Select Committee, and all the suggestions that he could give were taken into consideration by the Committee and were put in the Bill itself. So, Sir, after Dr. Ghosh, who is an eminent educationist and an eminent University man, was taken in the Select Committee where he has given his suggestions, I think there was nothing more to be done in order to put the Bill into effective shape.

Now, Sir, the only question that has been raised against this Bill is that it has taken away the autonomy of the University, and that so much restriction, check and curb have been put on the provisions of the Bill that they have taken away the autonomy of the University. Sir, I hold that this objection does not hold water at all. So far as I can see, the main function of a University is academic. Can any objector show any provision in the Bill in which the academic activity of the Council or any other body has been taken away or restricted? No, Sir. If you go through the Bill, if you go through the amendments that have been passed, you will find, Mr. Speaker, Sir, that there is ample liberty, there is ample independence by which the academic activities of the University can be gone into.

As regards the objection that was raised, namely, that the State Government has taken upon itself the task of supervising something else, it is a well-known maxim that any one who pays the piper must call the tune. (Janab Syed BADRUDDUJA: The public pays.) Sir, my friend Mr. Badrudduja says "the public pays". Yes, that is so; but it pays through the Government. Now, Sir, this is a Government of the people. This is a national Government. When the Government pays the money, it must have control over the University, so far as the financial and other activities of the University are concerned. Every one knows what is wrong. Law, after all, has been defined as logic of experience. The irregularities which were committed by the outgoing University pale into insignificance before what other bodies have done. In order to check the irregularities which have been found, the activities of the University with regard to finance and assets must be checked, and the Government must have power for the purpose of exercising such supervision. It may be said that the Government which has taken upon itself the task is also a national Government, is also a people's Government; and therefore when they will do anything they will do it according to public will.

Sir, I do not want to take the time of this August Assembly by saying anything further. I will again congratulate the Hon'ble Education

Minister that he has piloted such an important and difficult Bill in this House under the direction and supervision of the Hon'ble the Leader of the House.

**Janab Syed BAPRUDDUJA:** Mr. Speaker, Sir, we never expected that the Hon'ble the Chief Minister, who has been connected with the University of Calcutta for so many years and has been the supreme executive head of that institution himself for two terms at least, would now come forward with certain observations that might tend to create the impression in the public mind that the autonomy and the integrity of the University of Calcutta is going to be impaired or sought to be impaired by a Government of which he is the head today. His observations seem to convey the impression that because he is the head of a popular Government, he has every right to interfere with the autonomy of the University of Calcutta. You have no right to curtail the liberty, to interfere with the integrity and autonomy of any institution more so of the University of Calcutta which has not only nursed you but also many other eminent personalities like yourself. We should rather see that, by making better provisions in the Act, we could create better opportunities for the full development of the University of Calcutta in all its aspects. But quite reverse is the case. There is a tendency today to curtail the liberties of all popular institutions. Beginning with the supersession of the Calcutta Corporation on the ground of some irregularities, on the ground of certain shortcomings and limitations, on the ground of corruption and bribery that prevailed over there and coming now to the question of encroachment on the liberty of the University of Calcutta again on more or less the same grounds, on the ground of some scandal here and there, on the ground of some irregularity, the Government is now to visit the University as a nightmare and curtail its liberty, and autonomy. Why should we be jealous of others' liberties, why should we be particular about curtailing the freedom of other institutions in the State and why should we go out of our way to curtail their autonomy. Let us not for a moment think that we alone are the representatives of the people and the other gentlemen who constitute the Syndicate, who constitute the Senate, who constitute the Academic Council and other authorities of the University of Calcutta are not as responsible as we are, as efficient, as educated, as cultured as we are and as conversant with the needs and requirements, specially the educational needs and requirements of the fast advancing community as we are. Let us not delude ourselves into thinking that we are the only custodians of the rights and privileges of others. Let us not for a single moment think that the educational needs and requirements of the community or of the public in general can appeal only to us, not to those people who represent the graduates, who represent the educated people, who have been presiding over the educational destinies of the entire province of Bengal for so many years. Sir, the report of Radhakrishnan Commission is most emphatic on this point, namely, that on no account there should be any interference with the autonomy and integrity of the University, in our case of the University of Calcutta. If we value the observations of a Commission like that, if we value the observations of the Sadler Commission, if we value the observations of the committees and commissions which have gone into the inner workings of the University of Calcutta, and have told us from time to time that we must be guided by the superior wisdom, the superior experience of the authorities of the University, and must not arrogate to ourselves any powers which are not enjoined upon us by any principles of democracy in any constitution in the world. Sir, after years of toil, sweat and tears, after

years of difficulty people have attained independence. And what was their ideal? The ideal was to create as much facilities, to provide as much opportunities for all sections of people, all conditions of people, all institutions that exist in this land consistent with the autonomy of the institution, whether it is the Calcutta University, or the District Board or the Municipality or any other self-governing institutions that may exist in the land. Government of the land may exercise certain powers over them which are reasonable and which are enjoined upon them by the Act, but even the exercise of such powers must always be consistent and compatible with the free growth and development of the institutions, with the autonomy and integrity of the institutions that happen to exist in the land, more so in the case of the University of Calcutta, as was pointed out by my esteemed friend Dr. Suresh Chandra Banerji, today, the only institution of whose achievements we can rightly be proud. There is only one University in this State and this University has produced educationists, statesmen, politicians, thinkers, philosophers, scientists who have contributed so magnificently to the political, to the social, to the cultural evolution of this land. They have integrated and reintegrated the dying forces of India towards cultural and moral evolution. In the dark periods of intellectual sterility, moral degeneration and spiritual confusion, when the rest of India was groping in darkness, it was these great savants of modern Bengal who helped in the cause of Indian civilization and raised us in the estimation of the civilized world. If this University even in those dark and difficult days could contribute so much to the cause of India, to the cause of Indian civilization and culture, I do not see any reason now, any necessity now, for this uncalled-for and unjustified interference with the autonomy, and the integrity of the University of Calcutta. Of course the Senate, the Syndicate and the Academic Council have been democratically constituted and for that the Government of West Bengal deserve all congratulations. We should see that they are allowed to function more and more in a democratic way. But, if in the Senate graduates' representatives were allowed a little more representation, there would have been no harm. So far as the Academic Council is concerned, more educated persons, more teachers and more professors have been rightly included. If more representatives of graduates were taken in, in the Senate, that would not have affected in any way the efficiency, the autonomy or the integrity of that particular body in the University of Calcutta. Then, coming to that ticklish question, the Vice-Chancellor of the University of Calcutta, again we confess we are very sore on this point. In spite of repeated appeals from this quarter and in spite of our putting in amendments where necessary, the Government of West Bengal or for the matter of that the Chief Minister himself or the Hon'ble the Education Minister could not see their way to accept even a simple and innocent amendment. For God's sake leave the University alone as far as possible and let not the Ministry of Education or for the matter of that the Hon'ble Minister of Education, step in with his octopus grip. After all you have made enough provision to curtail the freedom of the University. Under clause 7, Government has the right to interfere with everything including the financial side, to cause an inspection to be made of the University, its buildings, and its, all other assets and to supervise the University's activities in every possible way. Such a provision is an affront, an insult to any respectable institution in the world. After having made such a provision, it would have been quite in the fitness of things not to introduce this octopus in the form of a Vice-Chancellor who would be more or less a nominee of the Government of West Bengal.

The Hon'ble the Chief Minister is of opinion that if only one name is to be sent by the Syndicate to the Chancellor for appointment as Vice-Chancellor, it will create a clique in the University just to forward the name of only one person of their choice. Can they lay their hands on their breasts and say that there is no clique in any democratic constitution in the whole world? In all Governments which are controlled by the majority of members, the clique is there, where in the name of majority, half a dozen men have always dominated the whole country. In the name of Fascism, in the name of Nazism, Socialism or Communism, or in the name of pugnacious nationalism or in the name of democracy, equality and fraternity, half a dozen men of superior talent and judgment, superior wisdom and discretion, sometime of superior tact and political manoeuvring have guided the destinies of nations and peoples. Democracy is another name for a system of hypocrisy where only 51 per cent. of the members of a body can somehow or other manoeuvre things and by virtue of their majority can impose their political theories and ideals upon the rest and the minority has to keep quiet like charity boys and has got to submit to the domination of the majority as long as that majority is in power. Every rational amendment, every reasonable amendment, suggestion or observation made by the members of the Opposition has not been acceptable to them, because the majority does not want it. Therefore there is enough room for injustice, for corruption, enough room for inefficiency, enough room for favouritism, if the majority does not care to listen to the observations and appeals of the members opposite even when they are reasonable. Therefore, Sir, I feel that this contention of the Hon'ble the Chief Minister is not so sound; it does not at any rate appeal to the public outside. Is not the suspicion of a clique in the Syndicate a reflection upon the Syndicate of the University of Calcutta, an august body like the Senate of Calcutta composed of highly educated and responsible persons? Is it not an aspersion on such an august body which consists of such educated people and who are the real representatives of the educated people outside. If you cannot trust the Syndicate in the matter of the educational needs and requirements of our people, how can we trust the Government to have a hand in it or to control it at every stage since the members who have formed the Government and who want to control the University are not the representatives of the educated people but are the representatives of the masses who do not even know how to exercise their franchise? We are representatives of people who do not understand the implications of franchise. How can we have the temerity, the audacity to impose our will upon representatives of the educated people who form the Syndicate and Senate of the University of Calcutta? I do not see any reason how we can justify the position we have taken before the people outside, before the educated public.

I do not see any reason why, Sir, a popular Government elected on the suffrage of the people should be so jealous of the freedom and autonomy of others. We have already lost a little too much. We have lost our political leadership. In the economic sphere we are nowhere at the present moment. In the scientific field, and in other spheres of activity and domains of thought, we are now conspicuous by our absence. Even in the All-India services, we do not compete favourably with other provinces. There must be something wrong, something rotten, something corrupt, something diseased in the State of Denmark. Sir, this autocratic principle, this replica of the autocratic days of the past, this relic of the bureaucratic regime, is responsible for killing and stifling that initiative, that originality, that freedom of thought

which are vitally necessary for the real and congenial growth of our educated youths and the growth of our country. I appeal to the Hon'ble the Chief Minister and through him once again to the Education Minister to throw off their false sense of prestige, and to come down for a single moment and accept our little suggestion, that the Ministry of Education should not interfere with the autonomy of the University. Even without interfering with the affairs of the University they have enough of Ministers to control the destinies of the province; they have enough of departments to control the activities of the people at large. It is not necessary for them to arrogate more powers like Hitler and exercise authoritarian control over every sphere of life in the name of democracy. Sir, democracy in the truest sense of the term must be an unvarnished and undiluted democracy for the sake of democracy which must develop a sense of fairplay, a sense of justice and on no account encourage unjustified and uncalled-for interference with the autonomy of a most respectable institution like the University of Calcutta. (The Hon'ble Dr. BIDHAN CHANDRA ROY: A great defender of the University!) Sir, we plead for justice: we plead for freedom: we plead for autonomy: but we do not pretend to plead for uprooted humanity and then in the same breath, support a measure which goes to stifle that uprooted humanity. Sir, any baseless aspersion of a depraved and debased mind I treat with supreme contempt. I wonder how such a debased mind can have the temerity to cast aspersions on us. I hurl back the despicable lies in his very face.

Now, Sir, before the session comes to an end, I would appeal once again in the name of democracy, in the name of the traditions of the past, in the name of the reconstruction of the educational future of this province, in the name of savants like Sir Ashtosh Mookerjee who had given his whole life for the University of Calcutta, in the name of the seers of yore, who have been great in their leadership not only of Bengal, not only of India but of the whole world, in the name of our great cultural heritage, in the name of our great intellectual embellishments, in the name of our philosophic sublimity, in the name of our greatest discoveries of science, it is necessary that the Government of West Bengal including the Chief Minister of the province should respect the traditions of the past and should not in any way allow this vandalism, this uncalled-for interference with the autonomy, with the integrity of the University of Calcutta. With these words, Sir, once again I appeal to the Government to rise to the height of the occasion and not interfere with the autonomy of the University of Calcutta.

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** Sir, I would in the first instance, thank those honourable members of the House who have been pleased to give their fullest support to the measure that is now going to be enacted. As I said on a previous occasion, Sir, this is the third of the Education Bills that we have brought forward in this House and by which we are going to effect a reconstruction of the University and develop University education in this province. That it was given to Hon'ble Dr. Roy's Government to enact such a measure is a matter of satisfaction not only to himself but must be to the very institution which he has served so long with such distinction and credit.

Sir, the Calcutta University Bill which is now going to be enacted implements for the first time after 32 years the valued recommendations of the Sadler Commission: the recommendations, Sir, which no other Government before the present Government ever thought it proper to give effect to. Not even the Government of my honourable friend the

member-opposite who has criticised so violently the imaginary lapses of this Government, none of his erstwhile leaders in the Muslim League ever contemplated to bring forward a Bill to reform the Calcutta University.

**Janab Syed BADRUDDUJA:** You did not allow him to do that.

**The Hon'ble Rai HARENDRA NATH CHAUDHURI:** That is a matter of record. No University Bill was ever brought forward by the Muslim League so long as it was in power. That is a matter of record.

Now, Sir, I will not refer to that matter because after all it is useless to try to convince a person who, it may be doubted, whether at all talks sensibly at times.

Sir, I thought that at least the group led by Dr. Suresh Chandra Banerji was in favour of this Bill. After the valuable support that was received from Dr. P. C. Ghosh as a member of the Select Committee, I thought that his party was going to bless the Bill and not curse it. Only on two points—one not coming within the scope of the Bill and therefore only on one point which comes within the scope of the Bill—he differed; otherwise he entirely agreed with the recommendations of the Select Committee. But tonight from the speeches delivered by the leader of the group, Dr. Suresh Chandra Banerji, and his friends S.J. Charu Chandra Bhandari and S.J. Kanai Lal De it is much too apparent that the group to which Dr. Ghosh belongs holds different view and is not prepared to take the responsibility for this Bill. That is not a matter of concern to the Government; rather that will show that the entire credit for passing this measure will lie with the Government party and nobody else. I would have been glad if Dr. Banerji had at least said this much that his party would at least consider it a Bill of their own as well. But if he withdraws co-operation so as to play the part of an Opposition leader which, I think, he is anxious to do, well, that is no matter of concern to us.

Now, Sir, many things have been said against the University Bill in course of a desultory discussion without putting forward any substantial amendments to change the provisions of the Bill. Only on one section of the Bill there was a couple of voting; on no other section the Opposition challenged the decision of the House. That is also on record. I therefore may claim factually and truthfully that this Bill is an agreed measure so far as all the sensible sections of the House are concerned. Whether Dr. Banerji will consider himself and his group as coming under that description, it is for him to say, not for me; but I would say that when Dr. Ghosh agreed with us, except on one point,—(Dr. SURESH CHANDRA BANERJI: That is the vital point.) whether that is a vital point or not, is a matter of opinion—then I can assume, Sir, that the Bill is an agreed measure. (Dr. SURESH CHANDRA BANERJI: Why don't you accept that vital point?) I am not prepared to accept that point. Why I shall presently explain.

Sir, the criticisms that have been made against the Bill are wide of the mark. The provisions actually have not been subjected to criticism, only certain general preconceived ideas have been ventilated. What are the chief features of the present measure? The first is that it provides for that co-operative teaching, for that new synthesis in higher and post-graduate education which was contemplated by the Butler Commission: it paves the way for such synthesis by the ~~means of~~ Constituent Colleges. Henceforth higher teaching in the ~~University~~ will be surely the care of the University but its burden ~~may be~~ ~~shared~~ by others along with the University if, of course, they follow ~~the~~ ~~lead~~

conditions laid down by the University. That co-operation, Sir, in higher teaching, as had been envisaged by the Sadler Commission, is ensured by this measure.

Next, let us go to the other complementary thing, namely, "teachers of the University". The Bill contemplates that the teachers of the University will be the teachers appointed by the University as well as the teachers whom the University will consider fit to recognise as University teachers. That, Sir, will go to widen the scope of post-graduate teaching in and outside the University.

Next, let me come to the other question, the most vexed question, namely, the question of the appointment of the Vice-Chancellor. Sir, what was really the recommendation of the Radhakrishnan Commission to which frequent reference has been made by the group led by Dr. Banerji? The recommendation of the Radhakrishnan Commission was to this effect. They wanted two things to be ensured regarding the appointment of the Vice-Chancellor, namely, in the first place there shall be no room for canvassing, canvassing should be discouraged, canvassing should not be tolerated in the matter of appointment of the Vice-Chancellor—that was No. 1. No. 2—that the Vice-Chancellor may not be eligible for re-election because in that case he may not work as disinterestedly as he should. These are the two essential features of their observations regarding the appointment of the Vice-Chancellor. So that I may not misquote the sense of the report let me quote the most substantial portion of it—

*"Selection of the Vice-Chancellor (page 422).—The change from part-time honorary to full-time paid Vice-Chancellors necessarily affects both the method of their appointment and their tenure of office. Open canvassing and voting for rival candidates may have been tolerable while the post was not much more than a compliment which the University could bestow, though even so it was undignified and led to the formation of factions. But as a means of securing a man of character and reputation for an arduous and highly-skilled service it is, to put it bluntly disastrous folly."*

To give effect to this idea, they surely have laid down certain "safeguards" which in their opinion are likely to prevent canvassing. Now, Sir, the question is that a machinery should be set up, a formula should be devised, by the adoption of which there will be no room for canvassing, or rather, room for canvassing will be as limited as possible. Now, the formula that we have adopted, is that the Syndicate will recommend three names and from that restricted field the Chancellor will select one of the nominees of the Syndicate. Therefore it comes to this: that the University is given the right to select and of the three nominees of the Syndicate, persons who are recommended by the University, one is chosen by the head of the University, namely, the Chancellor. The appointment lies not with the State Government but with the Chancellor, who is the head of the University organisation. In selecting one of the three, however, it is provided in the Bill, that the Chancellor will consult the Minister of Education of this State. Now, may I enquire how, in selecting one of the three persons who are to be enjoying the fullest confidence of the University, if the Chancellor consults the Education Minister, does the selected person cease to be one enjoying the confidence of the University or the Syndicate? Now can he lose caste simply because the Chancellor in selecting one of these, consults the Education Minister?

Now, it has been reported in the newspapers that in the Bihar Legislative Assembly, the question was raised whether the Chancellor would be acting there as the Governor or not. The Advocate-General of Bihar was consulted and he has given the opinion that the Chancellor will not be acting there as the Governor. In consulting the Education Minister he will, therefore, not be bound to accept the opinion of the Education Minister, because he is not the Governor there and the Education Minister will simply be consulted as *persona designata*. Therefore it cannot be argued that consultation with the Education Minister will lead necessarily to the acceptance of the opinion of the Education Minister by the Governor—that cannot be argued logically. Therefore in providing for three agencies in the final selection of the Vice-Chancellor we think we have adopted a formula which will reduce the chances of canvassing to a minimum. This formula has been adopted to provide necessary safeguard against canvassing and help the selection of the best man available and we are sure that this formula is the only formula which can ensure the right appointment of a University's nominee and yet reduce the chances of canvassing to a minimum.

Now, Dr. Banerji was arguing that the Vice-Chancellor once appointed should not be eligible for re-election. Sir, Dr. Banerji apparently thinks that a person who is appointed as a Vice-Chancellor by the Governor in consultation with the Education Minister will at once lose his caste in the University and will not find favour in the University. If so, so far as re-election is concerned his chances will be all gone. He will stand no chance of re-election at all when as Dr. Banerji thinks the University and the Government are antagonistic bodies. If that be the idea under which Dr. Banerji is labouring, the person who will be appointed Vice-Chancellor by the Chancellor in consultation with the Education Minister will have no chance of re-election as his name will not, in all likelihood, be put forward again. Therefore, Dr. Banerji secures his second point by our formula, namely, that the Vice-Chancellor will not be eligible for re-election. I would however leave it, Sir, to the discretion of the University authorities.

Sir, Dr. Banerji and his group were arguing for elected Chancellor and elected Vice-Chancellor. What do we see in today's newspapers? "The Visva-Bharati Bill introduced in Parliament yesterday by the Education Minister providing for its functioning as a unitary teaching and residential University, lays down that the President shall be the Paridarsaka (Visitor) and the Governor of West Bengal shall be the Pradhana (Rector) of the University." It has been argued here all these three days that the Chancellor should be elected. But what we see here is not only the President will be the Paridarsak but that the Pradhana or Rector of the University will be the Governor of West Bengal. What about the appointment of the first Chancellor and of the first Vice-Chancellor of the Visva-Bharati University? Clause 4 of the Bill, it is reported, relating to incorporation of Visva-Bharati provides that the first Acharya (Chancellor) and Upacharya (Vice-Chancellor) of the University, shall be persons appointed in this behalf by the Central Government. We have provided that the first Vice-Chancellor will be appointed by the Chancellor in consultation with the Education Minister. The Central Government have gone a step further. They have straightway provided that the first Vice-Chancellor and Chancellor will be appointed by the Central Government, not even by the President—Paridarshak or the Governor—Pradhan. Nothing like it.

Then about the other features of our Bill. We were hearing so many lectures on democracy, democracy and democracy all these days. Now,



Sir, the present Senate, it is well-known, has 80 per cent. nominated members. The coming Senate will be a body with more than 80 per cent. elected members. Only 15 to 20 seats have been allotted to nominated members, no doubt simply because no constituencies could be thought of for filling them. That is, to represent Industry, Profession and like classes, no constituencies can easily be framed and therefore the Chancellor will nominate 15 to 20 members. Apart from that, almost the entire Senate of the future University is going to be an elected Senate, and we are told that democracy has not been installed in the new Calcutta University!

What about the Academic Council? Most of the members of the Academic Council will be Professors, Readers and teachers. Only a limited number of persons will come from the Senate. Otherwise almost entirely the Academic Council, which will be the guardian of the teaching and academic activities of the University, will be a body constituted of teachers.

As regards the Syndicate, the Radhakrishnan Commission recommended the nomination of at least five members. We have cut out all nomination. The Syndicate will be almost entirely an elected body. With the exception of two members who will be there as *ex-officio* members, namely, the Director of Public Instruction and the President, Board of Secondary Education, all the other members will be elected members on the Syndicate. Therefore, Sir, democracy will be fully functioning in the University of tomorrow.

As regards the grant, Dr. Banerji reminded us that it was a moral duty of the Government to give sufficient grant to the University. What did the Government to which Dr. Banerji belonged do for the University? It was this Government which has increased the grant to the University from Rs. 8.25 lakhs to 15.25 lakhs. It was not due, at any rate, to the Government to which Dr. Banerji belonged. Where was the moral consideration when he was in the Government? And he has now come forward to lecture to us about the moral responsibility of the Government to give sufficient grant to the University!

Sir, we are anxious, extremely anxious, to provide as much fund as may be necessary for the University to function properly. I told the House last night, we are waiting to see what assistance may be available from the Government of India for the promotion of University education in this State. Sir, University education in a State can only have sufficient fund either from below or from above. By "from above" I mean from the Central Government. Sufficient assistance should come from the Central Government, because after all the services of the best products of the Universities will not be confined entirely to a State. They will serve and strengthen the manpower of the Indian Union as a whole. Therefore, Sir, every University can look forward to the Central Government for sufficient aid. University and College education can have larger fund from the State exchequer, if the local bodies in our country can raise sufficient fund by imposing local rates to finance primary, if not, secondary education. That is what is done in the most progressive countries of the world. Take, for instance, what is done in England. In 1947-48 the voted amount to the Education Minister in England was 138 million sterling. And what was the grant that they made to the Universities in Great Britain? Out of the total income of about 13 million sterling of the British Universities, 52.7 per cent. was contributed from the State Exchequer, i.e., not even 7 million sterling. What do we spend for college and University education? We spend as

much as 20 per cent. of the total expenditure on education on collegiate and University education. So far as British Exchequer is concerned, the rest of the money voted goes to the improvement of the school education—primary and secondary—and to meet the charges for further education. In spite of the fact that a large proportion of the expenditure on school education is found by the local authorities from local rates, in 1947-48 when as much as 189 million sterling was spent by the local authorities on school education, the grant from the Central Exchequer in England was to the tune of 114 million sterling only. In the present circumstances what are we doing? The only education rate that is raised in this State is the education cess and education tax, and the total yield comes up to only Rs. 45 or 46 lakhs, whereas the Provincial Government has got to contribute as much as Rs. 140 lakhs at present towards primary education alone. Therefore, Sir, more money may be available for higher education if our local authorities in this country take up the burden of school education, not even of the whole school education, but only of primary school education. Persons cultured and educated living in municipal areas criticise the Government that the Government do not provide sufficient funds for primary education. Sir, is it or is it not known to them that so far as West Bengal is concerned, in the municipal areas where most of the educated persons reside, the rate-payers do not contribute a single *kourie* specifically towards education? There is only one municipality in the whole of West Bengal—the Berhampore Municipality—which has imposed a local rate for primary education. Sir, there is no other municipality in West Bengal which has dared to do the same. Therefore the position is that sufficient funds for higher education can be forthcoming from the Centre or if the local bodies take up the burden of primary education in that case sufficient funds may be released and be available for higher education. Otherwise, Sir, we must, that is, the Congress Government must provide for mass education first and then can look to the expansion of higher education of the classes.

The motion of the Hon'ble Rai Harendra Nath Chaudhuri that the Calcutta University Bill, 1951, as settled in the Assembly be passed, was then put and agreed to.

#### Committee of Privileges.

**Mr. SPEAKER:** I would like to announce that the following members have been duly elected to the Committee of Privileges, namely:—

- (1) Sj. Umesh Chandra Mandal,
- (2) Janab Husan Ara Begum,
- (3) Sj. Radha Nath Das,
- (4) Janab A. M. A. Zaman,
- (5) Janab Abdul Wahid Sarkar,
- (6) The Hon'ble Bimal Chandra Sinha,
- (7) Sj. Sibnath Banerjee,
- (8) Sj. Kanai Lal De,
- (9) Sj. Annada Prasad Mandal,
- (10) Sj. Basantlal Murarka, and
- (11) Janab Mahammad Kased Ali.

The Committee will consist of these members and Mr. Deputy Speaker as Chairman.

**Resignation of Janab Abul Hashem, M.L.A.**

\* **Mr. SPEAKER:** I have also further to announce that I have received a letter of resignation from Janab Abul Hashem of his membership of the West Bengal Legislative Assembly for reasons purely private and personal and under section 190 of the Constitution of India his seat declared vacant.

As promised in the earlier part of the session, the pamphlets entitled "Parliamentary Privilege" and "Parliamentary Etiquette" have already been distributed among the members.

Now we come to the end of the business of this session. I thank you gentlemen, before I announce the prorogation of the Assembly for the assistance and co-operation that you have rendered to me in the discharge of my duties as Speaker.

**prorogation**

have it in command from His Excellency the Governor that the West Bengal Legislative Assembly do now stand prorogued.

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